

*All these words should be fragrant as
the sea of pines¹*: or, a thesis in which
we examine child protection court
documents and learn that stories
seep from their fabric of facts

Chris Krogh

Thesis submitted for the degree – Doctor of Philosophy

Western Sydney University

2016

¹ From the poem “All These Words” by Sreko Kosovel. Translated by Privac & Brooks (2011)



Acknowledgements

At the end of this very long journey there are many people to thank and to acknowledge. Foremost among these are my supervisors Debbie and Jan, who have been endlessly patient, as well as knowledgeable and insightful in relation to my subject and methodology. You have also shared your humour, grounding wisdom, permission to think differently and a passion for justice. Although relieved to be at the end, I am sorry our meetings will stop.

I would like to thank all of those people who trusted enough to share their organisation's or personal information with me. Specifically, I thank the research participants as well as the people within Family and Community Services, the New South Wales Children's Court and BCS LifeCare who gave their permission for this research to proceed and provided assistance. Also within this group, I include the people whose writings I have used as part of the foundational platform upon which this research is built. I hope I have done justice to your stories and ideas and treated this whole body of data with the care it deserves.

Western Sydney University has provided practical support for this research, as well as student networking forums and a range of learning opportunities. I am particularly grateful for the assistance of the administrative staff who patiently answered my many questions, assisted with university systems and forms and helped behind the scenes to keep the wheels turning.

I would like to thank all of those friends and colleagues who have shared their thoughts and advice in either brief or ongoing ways throughout the project. Interest and encouragement has often gone hand in hand with that advice. At other times you provided 'time out', fun and a chance to think about other things. All of these things have been sustaining over the course of a very long process.

On many different levels my immediate and extended family have been supportive and made it possible to do this research. With amazing resilience you have lived with the consequences of my ambition. You have provided space for me to work towards completion and have nurtured and sustained my body and my heart through the long haul. Finally, my wife G. has had faith in me when I didn't, provided gems of insight when I was at a dead end and carried the load when I couldn't; you continue to be my best friend.

To everyone who has given so much, I hope I can repay you one day.

Statement of Authentication

The work presented in this thesis is, to the best of my knowledge and belief, original except as acknowledged in the text. I hereby declare that I have not submitted this material, either in full or in part, for a degree at this or any other institution.

..... (Signature)

Contents

Acknowledgements	v
Statement of Authentication	vii
Table of Figures	xiii
Abstract	15
Preface: in which the reader and the thesis are introduced to each other and start on a long journey together	17
Analytic tactic	20
Communication tactic	21
A note on style.....	26
Being careful	28
Thesis structure	29
Content matrix.....	30
A note on data	31
Ending	31
Introduction – In which we meet the study and its characters properly for the first time	33
Documents.....	40
NSW Children’s Court	41
Child Protection	41
The research: how	42
The research: its main question	43
The research: why	43
Have you thought much about poetry?	45
Recently I wrote an affidavit	47
Chapter 1: In which we are introduced to the point of view of the author	51
Social Ecology as my paradigm	55
System view	59
Assemblage view	60
Ecological perspective	65
How I think about knowledge	66

Managing limitless interconnections	67
How do I evaluate my research	68
To close.....	70
Chapter 2: In which we get our first look at the body of data and some initial themes	73
Other research about documents.....	76
Ideas for helping to think about documents	79
What I did – (the research method).....	83
The next steps – field work and analysis.....	93
Field work and analysis – fuller description	96
The court documents – creating stories about people	102
Regulation of parenting.....	110
Professional-managerial class	111
Getting to speak	112
Responsibilities of professionals	113
Seeing what this might mean	117
Conclusion	119
Chapter 3: In which we think more about child protection, take a second look at the research data and spend more time on its themes.....	123
Research context – child protection in New South Wales.....	131
Child Protection	131
Australian circumstances and responses	138
The global circumstance	144
Research Method	148
Method of analysis.....	150
The approach taken	151
The way I approached the documents	152
The way I approached the interview transcripts.....	153
Presenting the interview data	158
Why it is important to study these documents.....	159
Do you mind if we take a break?	162
Chapter 3, part 2.	163
Starting to understand these documents	163

Using narrative to deepen my understanding	171
The documents – more deeply	172
Application and Initiating Affidavit.....	172
Update Affidavit	177
Children’s Court Clinic Assessment	180
(First) Care Plan	184
Subpoena Affidavit	187
Nathan’s affidavit	192
Affidavit by Isobella’s maternal grandmother	193
Final Order	Error! Bookmark not defined.
Do you need another break?	197
Chapter 3, part 3	199
Further themes from interviews (not covered above)	199
Literacy (and other vital resources).....	199
Importance of legal representation	200
Power imbalance	203
The effects of documents.....	204
Gender and responses to documents	212
Gestures of consideration	214
Regimes of Living	217
How I visualise the situation	220
Conclusion	226
Chapter 3, part 4	229
<i>A course in [professional-made] documents</i> – proposal for a ten-week unit of study on documents and contemporary social/welfare work practice.	232
Unit Overview	232
Learning outcomes	232
Weekly Content Guide	233
Assessment tasks.....	236
Ending: In which the threads of this thesis are collected, drawn together and braided	237
Child protection court documents can be seen narratively	240

Power of literacy	244
People can react strongly to documents	245
Reaching around the documents to connect.....	247
Care Plans and the regulation of parenting	248
Studying documents.....	248
Studying child protection	249
Writing approach	250
So?	251
Reaching the end of this braid	252
References	256

Table of Figures

Figure 1: How to make a coil pot.	22
Figure 2: a non-seamless pot.	23
Figure 3: The research project in an old-paradigm view.	54
Figure 4: The research project in a new-paradigm view	55
Figure 5: Bronfenbrenner's bioecological model. Taken from Zubrick 2015	57
Figure 6: A research social ecology. Pen and texta on paper.	72
Figure 7: The steps taken to get started	88
Figure 8: The process of continual revision	95
Figure 9: The noisy analytic collide-a-scope. Pen and texta on paper.	156
Figure 10: Tank man; photo by Jeff Widener, Associated Press, 1989	220
Figure 11: Photo 1 - tanks approaching; photo by Jeff Widener, Associated Press, 1989	222
Figure 12: Photo 2 - stopping them from going round; photo by Jeff Widener, Associated Press, 1989	222
Figure 13: photo 3 - main image; photo by Jeff Widener, Associated Press, 1989.....	223
Figure 14: photo 4 - man getting into the tank; photo by Jeff Widener, Associated Press, 1989.....	223
Figure 15: photo 5 - man carried away; photo by Jeff Widener, Associated Press, 1989	224
Figure 16: Writing the thesis. Pen and texta on paper.....	255

Abstract

What are child protection court documents like? What are they made of and how are they made? What do these documents do to people? These are some questions explored in this thesis.

The Children's Court runs on documents and yet these important parts of the industry have hardly been studied. They are a stadium with stories competing and bullying to be the one taken most seriously. The main story of this thesis is what we find when we look at one set of court documents through the lens of narrative and hear what it's like to be an author and a reader of those documents. At its heart, though, the thesis is about the consequences of documents and the ethics of authorship.

The research found that the conditions for writing court documents are complex; that it is possible to identify the features of narrative in these documents and that parents often have strong reactions to the documents written about them. Additionally, the research found those who have more power in the system can and do take small actions to lessen the effects of documents. At the same time, the difference that these actions made is limited and writing documents in a way that reduces their consequences was not identified in the research – it remains an area to be developed.

The data for this research was drawn from one care and protection matter in the Children's Court in NSW, Australia; the court file was read and five people involved in that case were interviewed. The father of the subject child, the magistrate, a solicitor, a caseworker from the statutory child protection agency and her manager all participated in conversations with the researcher. Their knowledge of the documents and insights about the effects that documents can have provides a rich, new view that holds important lessons for professions in which writing is an integral part of its power.

Preface: in which the reader and the thesis are introduced to each other and start a long journey together



Dear Reader

For better or worse, by mistake or by design, you have found yourself in the company of a love story. Cautiously confessed, love is the lodestar behind which all that is ahead, trails. Although somewhat masked by discussion of superficial things, this thesis is a story about love of [the written word] and love for [a more care-full world]. The document discusses everyday things at the surface of our lives (documents and their writing) and yet, as Ben Okri recently stated, “[writers] use things on top to speak profoundly about things underneath and things above” (Cathcart 2015). While studiously avoided until this last writing minute, and fearing that this talk will be, as hooks proposed, “seen as merely sentimental” (hooks 1994: 247), I am admitting love. For hooks might be right when she writes “it is in choosing love, and beginning with love as the ethical foundation for politics, that we are best positioned to transform society in ways which enhance the collective good”. While it shall not be mentioned again, this thesis is entirely indebted to love.

The thesis of this thesis is, quite simply, that documents² (created objects that convey a message) are important parts of our social ecology and require careful handling, whether in the making, the sharing, the consuming or the storing. Like almost everything in our world, documents appear to be so simple – they are what they are – yet, they are so complex. There are many different layers to them; they hold so much, they are made of so many different elements, they bring to life different possibilities for different people and they can lead to different consequences for people. They are a way that some of us send ourselves into the world and bring the world back to us. In so doing, documents make something of who we are.

The following pages are investigations of, and meditations on, the riddles of documents and our human involvements with them. That, though, may be Okri’s “things underneath and things above”. The “things on top” – on the surface – of this thesis is a study of documents in a NSW Children’s Court care and protection matter. The study was done as a single unit case study and involved reading court documents from one (completed) care and protection matter in the NSW Children’s Court and interviewing five different people who were directly involved with that matter. The interviewees were the father of the child, a child protection caseworker, a child protection casework manager, a legal representative (who briefly acted for the father) and the magistrate. The question that lit the fuse on this research was “*what do child protection court documents do to the people closely involved with them?*” In the course of the research that question softened and loosened and I ended up with a research problem, stated as: *what can be said about child protection court documents if we think about them ecologically?*

² Although the written word is not exclusively what I consider to constitute a document, it is the primary material considered here.

Given the nature of the thesis' central problem, the overall aim of the project has been to think about what documents are like and what they do more than to interpret their contents, point fingers at failings and create a remedy for various issues. Because of this the thesis focuses on describing richly more than it aims to theorise all that is wrong or right or to generate a list of recommendations for action.

Analytic tactic

Early in this research journey I came across an idea from Saskia Sassen – a researcher of modern life – who talked about her 'analytic tactic' (Sassen 2013) when approaching a research problem. This was her way of positioning herself in relation to the research topic; standing at the edge of the usual approach, out of the glare of the regular view. This deliberate stepping away from the current thinking helped her arrive at new perspectives and new conclusions. In her research that led to the book *Expulsions* (Sassen 2014) Sassen stepped out from the every-day view of problems of cities and looked at and talked about them in new ways – this led, in her words, to “destabilizing master categories and powerful explanations, in order to re-theorize” (Sassen 2015: 176).

Similar to Sassen, I am stepping away from the common ground. In this research my analytic tactic starts with looking at material that is not commonly studied in child protection – its documents. Documents in the form of case notes, letters, assessments, formal agreements and court papers are central to practice, but are not looked into nearly as much as people and structures are. The tactic is extended by approaching document research differently. What I mean by that, is that while there is some ethnographic research of documents (see, for example, Riles 2006) there is little that involves interviews as a means of getting information about documents. The purpose of this analytic tactic is to help see the subject differently and to arrive at different conclusions. By doing this I hope to open the child protection conversation a little; to see if we might find different things to say and different ways to hear each other.

Another tactic, stumbled across in the research process, is that I found myself reading lots of poetry as well as listening to interviews with many different authors and artists. On reflection, this time has been part of the process of positioning myself in relation to writing and communicating; communicating with you as a reader but, before that, communicating with the people who shared their ideas with me. For that process of exchange, I learned a lot from interviews with writers and artists – more than I learned from reading about social science interviews. In an attempt to describe the difference, much research interviewing is about the facts of the matter, even when different paths are taken to get there. The other style is different – more intimate, treating the interviewee as the ultimate expert on the topic of discussion – their art. To quote from my favourite interviewer, Ramona Koval (1992: 1 & 6),

These interviews ... are public conversations within an intimate frame ... I know that when I say I met these people I didn't really meet them any more than they met me. We both present a part of our selves that performs.

Radio is the most intimate of mediums, the voice and the breath being the pure representation of the person who cannot hide behind a smile or a wave of the hands ... And precisely because it is so intimate there is a need for discretion and tact in the conversation ...

This accidental tactic has also shaped how I stand in relation to the subject and influenced the research communication – discretion and tact have become important friends and research colleagues.

Communication tactic

Metaphor is a common writing device that helps with communication and understanding ideas. I find metaphor and visualising what I am writing about very helpful. Later in this document I quote Ellie Wiesel – an author of novels and non-fiction – who said that writing is like sculpture more than it is like painting (Friedman 1984). He says that writing is not like painting where you build up a picture by putting more and more layers of paint onto a canvas but it is like sculpting – taking a block of words and then carefully removing all the parts that are not wanted until there is just the essential form left. The metaphor that I would use is similar to this but slightly different. Writing is a working of materials into shape in the way that a potter works clay.

Have you ever done any pottery? The kind of pottery I am thinking about is making coil pots. To do this you take a small lump of clay, roll it out like a rope or a snake – not too long and not too thick. The start of the rope is then placed on the outside edge of a round disc of clay (that is the bottom so it has to be as wide as you want the pot to be) and then you carefully coil that rope of clay around the outside edge of the disk until you have made a full circuit. You continue to wind the clay rope around, on top of the previous layer of clay rope. When you run out of that rope of clay you make another one and keep coiling; placing each layer of clay rope carefully on top of the last, until you have reached the height of the pot you want.

That is the first step. You should, at this point, have something that looks roughly the shape of the pot you want to end up with. But, it is little more than a series of bumps and bulges. It will also look fragile – as if any knock will make the whole thing collapse; there is certainly no way that it will hold water or withstand any pressure.

Your job now is gently and carefully to start to work the clay from the inside, smoothing the individual ropes so that they each join to the one above and below.

Once they are connected to each other, holding together more firmly, use this same process for the outside. Keep working both inside and out so that you end up with completely smooth surfaces where you can no longer tell that the pot is made of individual pieces of clay joined together – it should be perfectly smooth; seamless. To create a greater degree of symmetry, keep turning the pot so you are working all the way round the pot, not just concentrating efforts in one spot. You will find that this smoothing releases excess clay. It should be trimmed from the places you don't need it, maybe to be used to fill gaps in other areas or put back into the bag of raw materials available for the next pot you are going to make. An illustration of this process is provided in figure 1.

How to start!



Figure 1: How to make a coil pot.

Brooke Nelson; posted 24th September 2013 on <http://www.slideshare.net/bthemuck/coil-pottery>

Seamlessness is important. Not only for how the pot looks; it is also part of its strength and its ability to hold water. If the joining, combining and smoothing are not done effectively the pot might leak and it might not hold together if pressure is applied. There is an art to this process of bringing separate pieces together and working them until they are a single form where the awkwardness of the initial process becomes invisible in the final product. Writing, I am suggesting, involves similar, creative steps. Horsfall (2009: 244), in a chapter about the process of writing, makes a statement that

also reflects the idea of academic writing as crafting: “there is always an act of creation, creativity and choice. We decide, for example, what to include/exclude, what to emphasise, how to write and to whom, which bits of data best illustrate the findings”. This suggests that similar to making coil pots this kind of writing involves crafting a final form from separate lumps of raw material that have been carefully selected, shaped and worked.

But, there is not only one option for making coil pots and there is not only one option for how to write; there are options other than seamlessness, as Figure 2 shows, that can be used to fit different purposes.

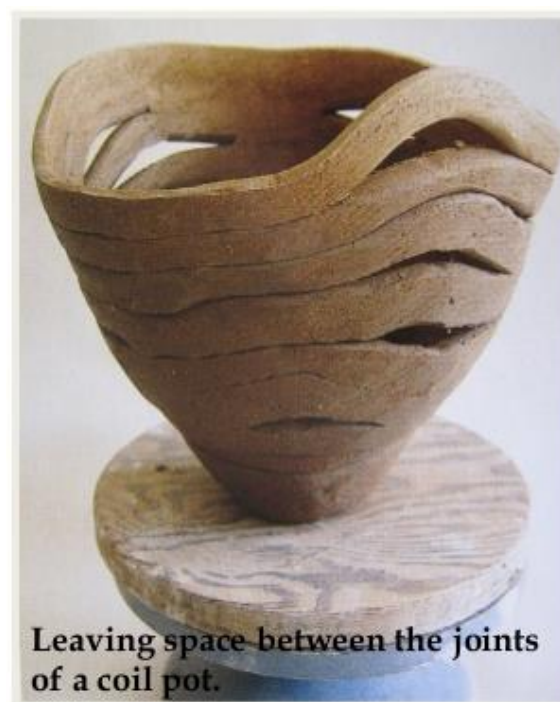


Figure 2: a non-seamless pot.

Brooke Nelson; posted 24th September 2013 on <http://www.slideshare.net/bthemuck/coil-pottery> [cropped]

Perhaps a bit differently from making pots, writing might be more than coiling and smoothing strings of words to make an argument that will hold water. People and worlds are created through writing. In the field of ethnography this understanding has been particularly thought and written about since the 1980s when Marcus and Fisher (1986) wrote a book called *Anthropology as Cultural Critique* and Clifford and Marcus (1986) published *Writing Culture*. These two books examined the complicated place of writing in the work of anthropologists – to communicate your research you have to write but this writing can be part of doing harm to people or cultures. Part of the argument of *Writing Culture*, as Clifford (1986) indicates, is that research writing is clearly linked with creating realities. The ethnographer, when writing, creates a

version of themselves and of someone else's world that is then shared for others to accept. When doing that the writer has a great deal of power – the power to describe, to define, to interpret. And that power is extended when a reader accepts that view of the world created in the writing and bases some of their actions on that information. Those observations cracked open the seamlessness of ethnographic writing. Some researchers started to worry about the effects of their writing; a worry that was named the “crisis of representation” (Marcus & Fisher 1986: 8). Its reverberations are still felt today.

The crisis of representation is about the power researchers hold when we write. While it started with critiques of ethnographic writing – questioning the ways ethnography had been written and concerns for the way it reproduced (or didn't challenge) dominating cultures – it extended into questions about how to write research at all. There was “uncertainty about adequate means of describing social reality” (Marcus & Fisher 1986). Worries about the fairest ways to write also developed. This is illustrated by the question “who has the right to write for whom?” (Pillow & Mayo 2012: 181). The questions from this time highlighted the power and the politics of what was written and who was writing. This is illustrated by Finn (1995: 144) when she describes “the dilemmas inherent in writing texts” that include issues of “trust and betrayal, the authority of the written word, and the politics of knowledge production and appropriation”. In more recent times, this same idea has been written about by Pillow and Mayo (2012: 197) when they write: “writing and choosing how to tell the stories of our research are political acts and places of responsibility”.

In developing a communication tactic for this research – a way of approaching the writing that achieves a specific purpose – that understanding of the power of writing and the responsibility of the author has been one of my critical friends. As described by Belenky, I have found myself “writing a story that grows out of conversation, and [savouring] the words of the people [I've] been interviewing, putting the words in a story line” (Ashton-Jones & Thomas 1995: 83) and making research which is written to the participants. In doing this I have fought with the craft and the ethic of being this research's storyteller. This has influenced the research, the style of writing and the structure of the thesis. It shaped what I have thought and what I have and have not written.

When starting out on this research I had such positive intentions. I had a theoretically driven scheme – largely based on Foucault and theorists who have followed – for how I was approaching the research and how I was going to think about documents. These titillating ideas kept me awake at night; I saw anew the way the world was arranged in global assemblages (Ong & Collier 2005) and biopolitically (Foucault 2008a). At that starting, the focus and purpose of this research was to examine (critically) the place and experience of documents in these social arrangements, particularly in the power-

filled context of child protection. Adding people's views about their experiences of powerful documents was a key dimension of originality in the research, making it different from previous document research such as the chapters in the book *Documents: artifacts of modern knowledge*, edited by Annelise Riles (2006) or the research by Fincham et al. (2011) published as *Understanding suicide: a sociological autopsy*.

The purpose of the research was to look at global arrangements as they are applied at a very local level in order "to sort out some of the concrete implications of these situations for the politics and practices of living" (Collier & Lakoff 2005: 35). Holding onto the advice of Collier and Lakoff (2005: 34) I was motivated to follow "a classic 'ethnographic' imperative: to avoid universal generalisations, to attend to practices, local histories, and contexts, and to actors' own understandings of what they are doing". This requirement to attend to local and lived experience brought me down, out of abstraction and disconnected ideas and back into the fine details of lived experience – mine as much as my research participants'. This might be where things became unstuck.

Intentions and end results are not always good friends. The route planned and the one taken are often not the same, particularly for long journeys such as a three year research project. It is also particularly the case for the person who is influenced by their surroundings and moved by the characters they come in contact with as they progress. In my case, the book-lined walls of my study have whispered as I worked and called my attention to them, such that an eclectic mix of academic and non-academic voices have been spoken into the project and their breath has blown my course in unpredicted ways. More importantly, though, I have become more and more focused on this research talking to, and talking with, the people who are most affected by its topic, child protection court documents, as part of questioning the power in writing. That concern has influenced what it is about as well as how it is written. This might be what Mona Livholts (2012: 9) meant when she wrote:

transforming textual forms can increase the possibilities of developing a language of critique, of exploring the complexities of power relations in people's lives, and of disrupting the dominant sound of scientific story telling also in relation to 'wild otherness'.

Despite those diversions, the research did focus on documents in the child protection context – court documents specifically – and did attend to "actors' own understandings of what they are doing" (Collier & Lakoff 2005: 34).

The thesis' specific purpose is to communicate to you where this research process has taken me and what I have learned along the way. It might be helpful to think of this thesis as a series of essays, or explorations on a range of related themes. While these

essays do combine to provide an overall whole, a package of research on this topic of documents and child protection, there are also extended meditations on particular elements. Some of these happened because of comments that came up in the interviews – an example might be gender in child protection court processes and documents; others because of experiences from the research – for example a discussion on gatekeeping in the context of thinking about the ethics process; or ideas in the literature, such as an extended essay on the development of modern approaches to child protection. The purpose of this approach is to follow strands of thought that are integral to the overall fabric of the topic.

A small number of principles lead the writing process of this thesis. The first is that the thesis document will be readable by all of the different people who were involved in the research. To achieve this intention technical language is used as little as possible and concepts are presented as directly as possible. The second is that the thesis talks with, not about, the participants. Third, the thesis document must stay clear in its logic and present an argument that can be reasoned in an academic context. These principles have shaped the style of the document. My fundamental principle, though, has been to communicate with the people the research is about, not about the people it was done with. As a result, my interest has been to try to address what I imagine to be the interests and concerns of my research participants, without taking the side of one over the other, as well as not privileging the interests of an imagined academic reader.

Using drawings and photos is another part of the communication tactic. Where photos are used they are mostly connected to metaphors (as the pottery photos were). Some of the drawings are diagrams used to show a part of the research process (see Chapter 2 for most examples of this) at other times drawings have been part of the thinking process – chewing over the ideas that I have come across in the research journey. Where the drawings are about something they are clearly labelled. Where they are decorative they are placed between sections or chapters.

A note on style

In this thesis there is no specific literature review section. The literature is treated both as helping to form the issues that shaped the project overall (similarly to how timber is used to form a frame into which concrete is poured when making buildings) and as data that is brought into conversation with the document and interview material which has been gathered. In these ways the thesis is less than traditional.

Like this preliminary chapter, this thesis is written as a series of letters. There are many reasons for this, including personal style, but the most important reason is the form of communication it invites. I find when writing to a person I am much less likely

to write in a detached way about that person. I hope that by writing *to* the people involved in the research and writing *with* their words, rather than writing *about* them or about the things they said, that this document will be a little less likely to fall into the trap of treating the people who participated in this research as its subjects, rather than as its valued informants.

Letters, I find, are a form of communication that falls between talking person to person (dialogue) and the step by step, straight line development of an argument, which is the habit of most academic writing. Borrowing an insight from a piece of graffiti I once saw, which read “heterosexuality is not normal, just common”, I would argue that although formal linearity is the habit of academic writing it is not the only way that it can be done. According to Marshall McLuhan (McLuhan & Stern 1968) a linear way of making an argument or story is based on the habits of a visual culture; it is not necessarily more logical or rational. McLuhan said:

connected sequential discourse, which is thought of as rational, is really visual. It has nothing to do with reason as such. Reasoning does not occur on singular planes or in a continuous, connected fashion. The mind leapfrogs. It puts things together in all sorts of proportions and ratios instantly (McLuhan & Stern 1968: 305).

I like that talking often includes tangents or bends and twists; I like the river of thought, not the highway. That is also what I find about writing letters. You may find that the writing in this thesis includes side tracks and distractions. There will, however, always be a connection and a point to be made.

Finally, the language used in this thesis is not always traditional. I hope that you will see that the research is carried along by important ideas without being powered by technical language. The decision to write in this way is based on comments made by more than one of my participants (and reinforced by researchers such as Fernandez et al. (2013)) that the technical language of the court puts many people at a disadvantage so that they feel shut out and not able to participate as equals in the process. This thesis is written with a guiding commitment that everyone in my research group and as many other people as possible will be able to read what it says. The people most in my mind are parents involved in child protection court processes, many of whom have had a basic high school education at best. Through this research I have become more aware of the amount that parents in child protection court cases are subjected to the effects of documents without access to the tools to build similar weapons of response. Although I don't think this thesis will wound people as deeply as court documents can, I think there is a fundamental principle that should be observed in writing – we should be aware of, and try to prevent, the abuses our writing can inflict.

Being careful

In most research that involves people there is an ethics process – an assessment of how the researcher is considering the people the research is using and how we take care of the stories that have been shared with us. In some research the measure is to do no harm. Where harm could be caused the consideration is whether the harm is justified by the knowledge that will be come from it and whether every possible step has been taken to prevent or minimise that harm. I will write later in more detail about the ethics processes that this research went through. For now, though, I want to note that through the document any names that are used are not those of the research participants – they have been changed. In addition, participants were contacted about the draft sections where their comments were used. Comments from participants upon being offered the draft to read included:

Chris,

I read much of the chapter. Very interesting, I like your writing style.

Sometimes it does feel like Tiananmen Square when we line up against the Dep't and all their artillery!

Nothing in here could possibly identify anyone and so I'm quite ok with publication.

All the best,

Hi Chris,

I am confident that my interview will be portrayed accurately so no need for me to read over the chapter.

Thanks and Good luck

Dear Chris

I read with interest your paper and was very impressed by its historical narrative, research and the way you constructed the document. There is nothing I want to add or change in what you have written here. Perhaps, having a little more experience in this work I accept that documents may be written with a strong bias which a parent unless skilfully represented may not overcome. There are no right answers, hopefully some may be less wrong than others.

Good luck with your PHD. Thank you for allowing me to read this chapter. I congratulate you and wish you the best.

Chris

I think I understand more what your paper was about. I think it was really good and I feel like finally someone understood what I felt and went through. Thanks

In addition to providing the information I collected from my conversations with the research participants for them to have a look at, one thing I have done in writing this research, to try to maintain the care I believe their involvement deserves, is not to write about the participants or their comments in an interpretive way – not to decide that there are ideas or motives or flaws in their comments that I can see but they can't. The second thing is not to write anything about the participants or their comments that I would not say to them if we were talking face to face. My hope is that this will create a document with positive, rather than negative, effects for all its subjects.

There is a history of being careful about presenting information about people or presenting ideas and words that people have shared with researchers. Researchers (and particularly feminist scholars) have been thinking and writing about this for some decades (see, for example, Ashton-Jones & Thomas 1995; Finn 1995; Horsfall & Pinn 2009; Mears 2009; Pillow & Mayo 2012; Richardson 1997). In this process many different methods or approaches have been used. Giving the transcripts or the analysis back to participants for comment is one method (see Mears 2009 for an example). Another approach is for the participants to be involved in the writing process (for example, Horsfall & Pinn 2009). I am grateful to have those ideas to learn from and hope that the approach I have taken has led to respectful writing.

Thesis structure

The thesis structure is as follows

- The Introduction is a letter written to Isobella – the (renamed) child at the heart of the court case I studied. For the sake of this exercise I imagine that she is 18 years old. That is the age at which she could read her child protection court file if she so chose. The letter provides a general overview of the thesis – its origins, its theoretical and practical aspects, as well as some indication of its overall approach to the topic.
- Chapter 1 presents a description of how I think about the world (my paradigm) and how I think about knowledge (epistemology). It also describes the criteria I have used to test the strength of the research and the thesis.
- Chapter 2 is the first of the chapters working with the broad body of data that has been gathered in this research process. This chapter, written as a letter, is

the next moment in my conversation with Nathan – the father whose court file documents I read and with whom I sat down to talk. It covers a range of different areas relating to child protection, court documents and his personal experience.

- Chapter 3 is the second chapter working directly with the data. Similarly to Chapter 2 it presents literature used to inform the issues explored in the interview conversations and as data integrated with court document and interview transcript material. The chapter provides a much more detailed consideration of the specific documents in the court file – their nature and their contents – and a consideration of how they come to be as they are. Differently from Chapter 2 it is a conversation with the broader cohort of the four professionals involved in the research. This chapter also provides details about the analysis method used for working the data. Due to the vast material this chapter covers it has been presented in four parts. Part 4 of this chapter presents the one, specific recommendation of the thesis.
- The Conclusion, written again to Isobella, is an amalgamation of all of the existing material and a chapter that presents what I would say about child protection court documents now that I have been thinking about them for so long. It contains a summary of key ideas from the research, as well as a statement about the research's contribution to thinking about child protection and to document research methods.

Content matrix

Although I have approached the presentation of this thesis in a non-traditional format I do acknowledge academic expectations; that a thesis is a presentation of a proposition that is logical in its intellectual construction and defensible in its method and conclusions. As such, I recognise that there are standard ingredients that need to be presented in the course of the text. The table below shows where in the whole text each of the standard ingredients can be found.

	Introduction	Chapter 1:	Chapter 2	Chapter 3	Conclusion
Ontology statement		✓			
Epistemology statement		✓			
Literature	✓	✓	✓	✓	

	Introduction	Chapter 1:	Chapter 2	Chapter 3	Conclusion
Method – steps taken			✓		
Research tradition – document research			✓		
Research method – analysis				✓	
Research context – child protection				✓	
Research data			✓	✓	
Synthesis and/or conclusions			✓	✓	✓

As noted above, there is not a single location for the literature framing and informing the research. It is woven through the entire body of the thesis, becoming data as much as it helps to provide support and structure.

A note on data

Through the course of this research I interviewed a small number of people. The interviews were recorded, transcribed and read in order for those voices to contribute to the research story. In the body of the thesis that follows – mostly in chapters 2 and 3 – sections of the interview transcripts have been used. These are shown in partial text boxes with coloured handles – a different colour for each speaker. The words from interviewees are often used in sentence or paragraph length quotes to provide a fuller sense of the statement being made. Some of these pieces of talk have been used more than once. This is deliberate. They have been reused because the statements make more than one point and are relevant to the new idea being presented in the thesis.

Ending

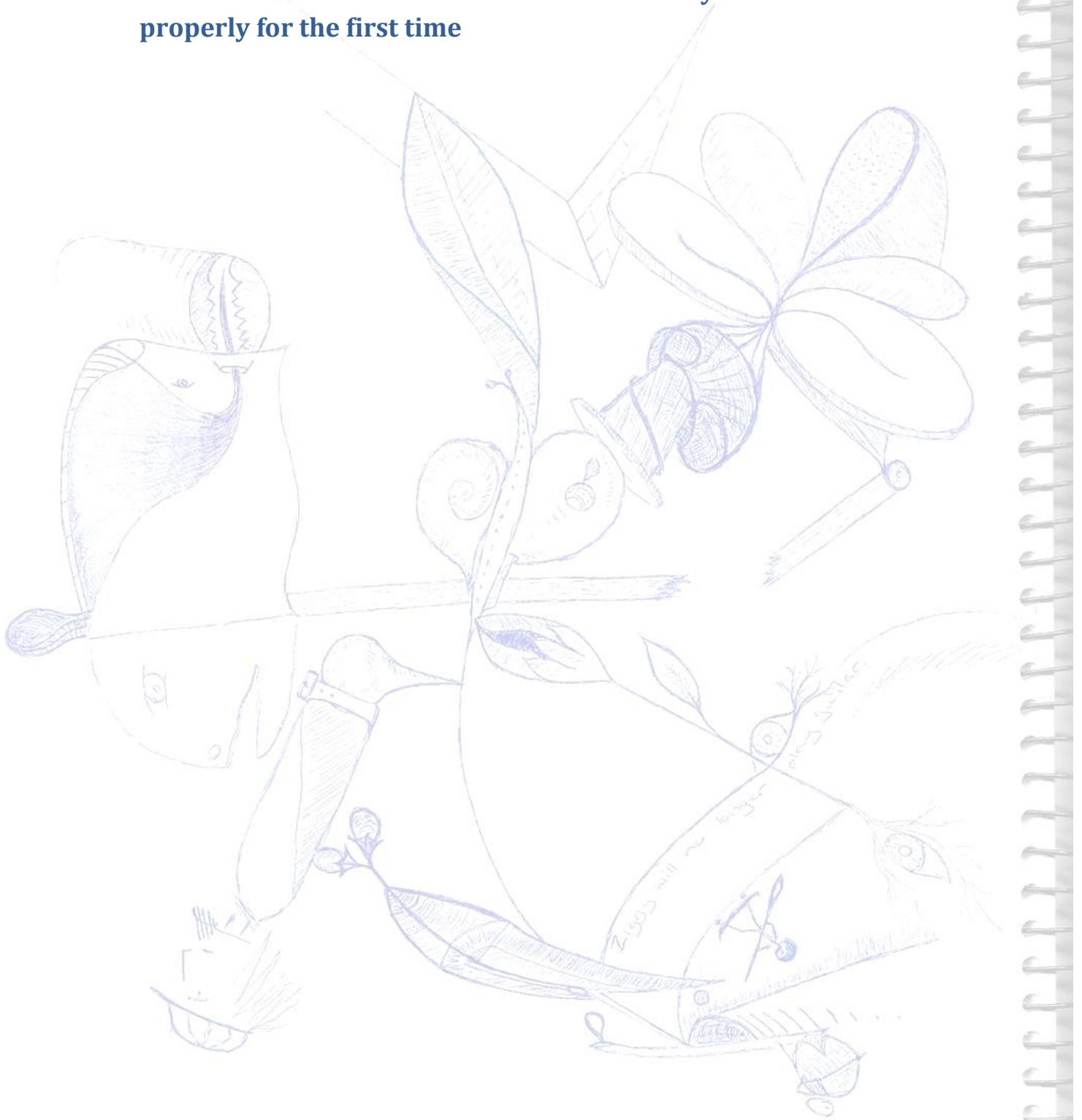
In ending this starting, I want to provide one observation from an external source that is relevant and helps to get this story underway. One starting point of this thesis is that even though child protection court processes have huge effects in people's lives and

documents are integral to those processes, documents are not very often studied, nor are they talked about in public forums. One rare example of public discussion of them can be found in a recent newspaper in the United Kingdom (Donnelly 2015). This article reported a Family Court judge's criticism of a social worker's court report. The report was written about a woman who had applied to be carer of two children placed for adoption. The judge was highly critical of the language used in the report, not because *he* could not get a sense of the meaning but because "the language was so unclear that he doubted the woman it was about would have understood it" (Donnelly 2015: 2/3). The judge is further reported to have said, "Reports by experts are not written solely for the benefit of other professionals, the advocates and the judge. The parents and other litigants need to understand what is being said and why" (Donnelly 2015: 2/3). The judge said that beyond criticism of the writing for its own sake his larger point was that if the written communication was so poor he doubted that the social worker's spoken communication would have been understood by the woman applicant, and that this might have caused the misunderstanding that led to the negative written report (Donnelly 2015). While I agree with much of the judge's comments, I am sorry to see the focus shift from documents to spoken communication, with documents seen primarily as an indicator of other possible issues rather than being of concern in their own right. This thesis will hold its focus on the court documents, looking particularly at how people interact with and through them. It will think about our practices of making documents and end with a proposal for an improved education in documents (and their writing) in social work degrees.

Yours looking forward,

Chris

Introduction - In which we meet the study and its characters properly for the first time



Dear Isobella³

You are someone I have never met in person. I read some things about you in your dad's court documents and have been told a bit about you by him. That happened when I was researching the effects of documents in NSW child protection court matters. You were about 5 when I was doing the research. In writing this letter I am imagining you as 18 years old – old enough to read your Community Services file, should you ever choose to. Who knows how old you will be if ever you read this letter or the research that it is part of.

I didn't meet you in person; I didn't ask you to be part of this research because you were five years old at the time I was meeting people and talking with them. I was asking about the documents that are presented to court and I thought you might not know a lot about those documents at that age. Although many researchers are showing us the importance of hearing from children (see, for example, Bessell 2011; Head 2011; Higgins et al. 2006; Mason & Falloon 1999; Mason & Fattore 2005), on this topic I thought you might not have a lot to say as a five year old.

This book you are reading holds the story of my research. It presents what I did, the ideas it grew out of, the ideas I used when making sense of everything and shows the conclusions I came to. It is my thesis on the topic of Children's Court documents.

In this research I am studying child protection court documents – things that were written and given to the Children's Court in order for the magistrate to decide what kind of care or protection should be provided to a child and who it should be provided by. The Children's Court runs on documents – documents get things started, they are its raw materials, its fuel and the only physical thing it makes (a Final Order). To show you what I mean, I want to start with a story.

On a Thursday afternoon late in 2011 an *Application and Report initiating care proceedings [Section 61(2) Children and Young Persons (Care and Protection) Act 1998]* (the Application) was faxed to the Children's Court of a particular NSW town. The sixteen pages of this document keep to the pre-set format and present a request that the Children's Court provide an Order for the care and protection of a particular child - you. It was the job of caseworkers at Community Services⁴, NSW, to make the application. They were required by law to make that application following your removal from one of your parents.

³ This, and all names that are used in this document have been changed to help with confidentiality.

⁴ Community Services is the agency delegated with statutory child protection responsibilities in New South Wales (NSW). It has been known by various names over time and name changes occurred during the research and writing process. For the sake of consistency in this document, Community Services will be used.

The first two pages of the Application identify the key individuals – the almost two year old child who was taken into care three days earlier, the mother, the father – that there was a Community Services foster carer in place, the child’s (lack of) cultural background to be considered in the following processes, and an aspect of law needing to be considered in the running of this matter – s. 106A, meaning that the child who was the subject of this application had a sibling covered by an existing order of the court; [that is, your older sister was already in the Care of the Minister]. That this was a Care Application sought under Section 61 of the Act, and the date it was made, complete these two pages. These, and every page, wear the seal of the NSW Children’s Court which was stamped by officers of the court when they received the application.

These pages – this first plank in the bridge between statutory child protection and the separate legal process – have little detail and yet they are overflowing with relationships; with connections and interconnections. Minute but clear dots of ink, arranged on two pages on a day in late 2011 bring together times, places, people and other documents held apart by greater and lesser amounts of time and space. Through naming a child already in care and suggesting that this new child needed to be in care until 18 years of age they drew lines backward and forward in time; by nominating the name and date of birth of the child, and the address of mother and father, they traced an outline of specific individuals; by nominating the number and sections of legislation they marked out the grounds of this Application and make present the legislation (the end result and the volatile processes) under which this application is brought. And, every cell of this content is “enlivened”⁵ forever by a rubber stamp – the seal of the Children’s Court.

The fourteen pages following the first two are more thick with content and even more overflowing with connections. In the briefest terms this content includes:

- the precise interim and long term Court Orders sought by Community Services, including that the Interim Order declare you should remain in care and provide time for filing further documentation; the Final Order being sought is that you are placed in the Minister’s care until 18 years of age
- the legislated Grounds upon which the court orders are sought – specifically, Section 71 (1) (c) (d) (e) of the Children and Young Persons (Care and Protection) Act 1998
- the name of the person with primary casework responsibility for the matter
- the name of your sibling
- the name of ‘significant persons’ – being your maternal grandmother
- that there are no cultural considerations known that would have a bearing on the matter

⁵ This elegant term was used by Margaret – the Magistrate I interviewed - to describe the effect of the Application having been filed at the court.

- a general description of your health and education
- the details of existing Children's Court orders relating to your family
- a statement and then a summary of the 'care and protection' history (that is, interactions with the child protection agency)
- the caseworker's sworn statement of events/facts, in chronological order, relating to 'why the child(ren)/young person(s) is/are considered to be in need of care and protection'
- a description of 'prior alternative action' – things that were tried before this – in order to avoid the current situation and avoid asking for this order
- your current placement and care arrangement
- a description of arrangements for contact between you and your parents
- and finally, an annexure, which is a copy of your sibling's Final Order from the Children's Court placing her in the Care of the Minister to 18 years of age.

All of this written information is put into sections of the document that are pre-set and they all have meanings specific to this area of public service and law.

This is the first of more than 20 documents in a file that runs to more than 400 pages; for a matter much less involved than many⁶. More than 400 pages; every one as still as a lake and as full of life. They are still, but not dead. If you know what to listen for the pages hammer, yammer, clamour, sing – a perfect industrial cacophony; an energetic social ecology⁷ – whose numberless (and often unidentified) voices invite us to come closer and listen more carefully. Looking carefully you can see the uncountable lines of connection that can be traced; they end potentially only at the point where history ends.

You are the main character in that story. But, you were not the main person in this research and you are not the main character in this thesis. It is focused firstly on the documents that were written and presented to the Court and then on the adults who were involved – your father mostly, but then some of the professionals who were also involved in the case. I think it is important, though, not to forget who court cases like this are all meant to be about. That is why I am writing to you first.

In the most general terms, the aim of this research was to expand my thinking about child protection court documents. I wanted to think more about what they are, what they do and how people respond to them. In the work that follows I explore what goes into making these documents, how people and documents interact with each other and the influences documents have on people. The thesis also spends a lot of time on the stories that can be found hidden in these documents.

⁶ While in the experiences of individuals the matter could be no less 'involved', as it did not go to a formal hearing, where the details of the matter were contested, there was less involvement at the court level.

⁷ This use of social ecology is described in later chapters.

These kinds of documents and I knew each other before I started this research. In the five years I spent working for Community Services I made a small number of these applications, helped on others and read some, too. In that work the deadlines were always urgent, it was hard to find information in the computer system, every action had to be presented in precise detail and choosing the right words was always so difficult. Most clearly I remember wrestling with those documents – fighting with the sentences and paragraphs – or picking words carefully, sensing how their weight might tip the balance one way or another.

When I started this research it was more than five years since I had worked for Community Services. This time, I came to the documents as a researcher rather than as a worker and had different purposes in reading them. This changes how I see the documents and how I can think about them. By the end of this thesis it will be interesting to see what ideas I end up with. In some ways I don't completely know what they will be until I have written them. There is a researcher who talks about "writing as a method of inquiry" (Richardson 2000) where the act of writing teaches us about our topic and about ourselves. I expect that that will be the case as I go along.

Who knows what you will be as your life progresses. Maybe you will have a job like Margaret (Magistrate), Cara (Caseworker), Mandy (Casework Manager) or Simon (Solicitor). It is probable that, like your dad (Nathan) you will not work in this system at all. It is all too possible that you will have a long run of difficulties like many people who have been through the child protection system⁸.

Whatever direction your life takes I imagine you could have lots of different feelings about your childhood. You might be glad for or hate the work that Mandy and Cara did and the decisions that Margaret made. Maybe, like your dad suggested, you will have lots of questions. The way he said it was:

⁸ There is a lot of research that shows people who were in out-of-home care are more likely to end up with difficulties such as poorer education levels, worse health and a higher chance of having financial difficulties than other people. As Cashmore and Paxman state, "The overall picture for these young people 4–5 years after leaving care is one of mobility, poor quality accommodation, unemployment, early parenting, difficulties in 'making ends meet' and establishing and maintaining relationships, limited support and family contact, loneliness and mental health problems" (Cashmore & Paxman 2007: 2).

1 *my daughters are going to read that when they're older. ... they're going to read that and, you know, they'll be shocked at the start of it, you know, but they'll probably want to ask questions, you know ...*

And, like he said, he will give you some answers about your life and maybe show you some documents he has that won't be on the file, and you will think about the time that you have spent with him and make up your own mind. His strongest message about this, though, is that the court documents were wrong and you should never have had those questions in the first place. He said

1 *Whereas these things shouldn't even have to be asked ... it's just creating trouble that didn't even... have to be created*

Every person I spoke to will have their own views about whether the documents were correct or not; I didn't ask them about it and this research is not trying to say which view is right or wrong. This study was designed as an exploration and this thesis is intended to describe – to say something about what child protection court documents are like and what they do to the people closely involved with them. It is not designed to judge and criticise anyone's writing, thinking, decisions or intent.

I think this study is important because there are lots and lots and lots of children like you – children who have had child protection directly involved in their lives; who have had their relationship with their parents forever changed. Documents play a vital part in that process of changing people's lives; the court process doesn't happen without documents. There are a small number of Margarets, lots of Simons, Caras and Mandys and there are too many people in Nathan's situation. For all of these people, for all of the times that case workers, solicitors, magistrates, parents are drawn together around a child like you there are many, many, many documents. So, there are lots of children, lots of parents and lots of workers with lots of documents written by them and about them. There is lots of research done about the children, the parents and the workers but there has not been nearly as much close consideration of the documents. Lots of different people are affected by these documents, but there has been very little attention paid to them.

This study not only considers what the court documents are like. It starts from the idea that documents have effects on people – documents do things. They can't play tennis

⁹ Boxes like this are used throughout the thesis to show the voice of research participants – it is data that has been taken from research interviews. Each different speaker has a different coloured handle at the left hand side of the box; Nathan has purple, Cara has blue, Mandy has green, Margaret has orange and Simon has maroon.

or jump or swim or eat; they can't plan their day or their future like you can. But they change people's feelings and they change people's actions and in that way they have effects (or consequences). There are different ways of thinking about what this means and it is something that I will write about as this thesis continues. Some researchers talk about this as 'document agency' (see, for example, Brummans 2007; Cooren 2004; Putnam & Cooren 2004) and others think of documents as one of the types of actors in networks¹⁰ (see, for example, Cooren & Latour 2010; Latour 2005). I don't know if a document has ever made you feel frustrated, or a document has ever made it possible to do something you wanted to do (or stopped you from doing something else). These are some very small examples of document agency.

I think it is important to tell you about a few other things that this thesis is going to cover. The first thing is to be clear about different parts of the study – to define its key terms. The terms that I think are important to define are documents (these are the things being studied), the NSW Children's Court (the precise setting in which the documents exist) and child protection (this is the general setting I am looking into and the reason these documents are being created at all). It is also important to give an introduction to how this research was done, the questions that I was trying to answer and why I did it at all.

Documents

If I had to give a definition of documents overall it would be something like 'physical things that can be read'. Therefore, a thought cannot be a document, nor can something that two people have said to each other. But, if that thought is written somewhere (on paper or in an email or represented in a painting), then the written or painted version of it would be a document. In the same way, a conversation between two people is not a document, but if it had been recorded, that recording would be a document, especially if it was typed up and printed. For this specific study, though, the 'documents' I am talking about are those pieces of writing which were submitted to the NSW Children's Court as part of a care and protection matter and can be found on the court file. I am saying here that I recognise that the definition of documents can be wider than I have used here but for the purpose of this research I am taking a deliberately narrower approach. Bernd Frohmann (2009), in his paper *Revisiting 'What is a document?'*, argues that making this kind of decision regarding definitions in research is both logical and practical.

¹⁰ I will explain the work of Latour relating to assemblages and actor networks in Chapter 1 and Chapter 3.

NSW Children's Court

The second definition I said I would provide is of the NSW Children's Court. A court is where legal decisions are made about individual cases. The Children's Court hears cases that directly relate to children, either for their care and protection (which is what I studied), criminal matters, or other things such as 'compulsory school attendance orders' and breach of bail. The *Children and Young Persons (Care and Protection) Act 1998* (from here I will just call it 'the Act') is the law that must be followed when making decisions regarding children's care and protection. The person making the decisions is a magistrate; there is no jury. The children's court in NSW has been operating since 1905 and has had generally the same purpose – making decisions relating to children's care and protection and crime – since that time (Fernandez et al. 2013).

Child Protection

Third, I said I would define what I mean by child protection. The first thing that is important to know about this is that I see the world in terms of ecologies (I am going to write more about this in the next chapter but will provide a basic idea here). Seeing the world ecologically is to look at the physical things that exist as well as to think about all of the ways that interactions between those things make a difference. If we think about a forest, it can be approached as a set of different types of trees in a particular place. We can look at how one type of tree influences another – the way a taller tree limits the amount of light reaching the lower parts of the forest and influencing what other types of trees can grow there. We might then notice the animals that live there – from the biggest ones that eat fruit or hunt other animals through to the tiniest ones that live in the soil and help break down the bits of fruit or leaves or dead animals that are around – and how they influence each other as well as how they influence the trees and the forest overall. But then it is possible to look again for things that are harder to see – like the quality of the air, or the way heat is created in some places that helps certain seeds to open and sprout – that also have an influence. It is also important to think about time – how changes have happened as well as how things from a long time ago continue to influence the ways that things are now. In some forests, for example, the eruption of a volcano provided very rich soil which is what made it possible for the forest to start and continues over time to influence what grows there. For an ecological way of seeing, all of these things are important. The same is true for child protection. As I see it, some of the things that are part of the child protection ecology include the people who are involved (those who work there and those who are drawn into it, such as parents and children), the agencies and organisations that people work for, the rules they have to work under or make decisions by, the things (like documents and court houses); and the ways that people talk to each other. All of these things (and many more) are influenced by

history and all of these things (and many more) influence each other and will influence the future. If I had to say all of this in one sentence, as it relates to this research, it would be that I see child protection as all of the people and things that are brought together (including the past and the future; the things that are more and less easily seen) when there is concern about and a formal response to a child's care and protection.

The research: how

So far this introduction has covered what the research was looking at (documents) and where it was looking (child protection matters in the Children's Court in NSW, Australia). I now want to tell you about the way it was done – the research method I was using – and the research question I was investigating. Following all of that, I want to tell you why.

There are many different ways (methods) to do research. Some methods involve looking at lots of different examples of a thing or talking to lots of different people about something and then getting some general ideas about those things. Another approach, and the one that I took here, is to look at one example closely in order to develop a very detailed description. This is called a single unit case study. The two methods might be thought about by comparing ways of studying water in a dam. If you want to know what the water is like in the dam as a whole then you could get in a boat and take samples or measurements at lots of different points across the dam. You would then put all that data together to get an average, or you could compare the measurements from different points and say how the water changes from one place to another. The single unit case study approach would be like scooping out one bucketful of that water and then examining that water very carefully, maybe in a number of different ways. Doing that means that I can't say what the water in the whole dam is like but I can say a lot about the water in the bucket. I provide more details about single unit case studies in Chapter 2 but if you want to know more about that kind of approach to research you could read work by Yin (2009) as well as Aaltio and Heilmann (2009) and Amerson (2011).

The specific things I did in this research were to look at the documents from one care and protection case in the NSW Children's Court (your case) and then to talk to different people who were involved with that case. I read the documents for myself and then talked to some of the people who were involved with the documents. When doing this I thought about your documents being a door that opened to let people tell me about child protection court documents in general.

The research: its main question

There was one main question that I was trying to answer in this research and that is:

What can be said about child protection court documents if we think about them ecologically?

The more straightforward way of saying this is “what can I say about how NSW Children’s Court documents are made, what they are made of and what effects they have on people?” There are a lot of smaller questions underneath this big one¹¹. What is important to know, though, is that this main question is based on me having accepted some other people’s ideas about people and about documents. The first thing is that we humans think about our lives through stories (or narratives) which involve characters and events arranged in some sort of order according to time (Baldwin 2013; Combs & Freedman 2012; Loseke 2007; Wells 2011; White & Epston 1990). This helps to create order and a sense of meaning for the things that happen in our lives. Importantly, though, there is always more than one possible way to tell these stories but some tellings of them seem to be more acceptable than others and those less acceptable tellings get pushed to the side (Combs & Freedman 2012). These more and less accepted versions were described by White and Epston (1990) as the dominant narrative and alternative stories.

Another thing that was really important is that I had accepted, as a starting point, the idea that documents do things in the world. Authors such as Brummans (2007), Cooren (2004), Latour (2005) Prior (2008a), and Fincham et al. (2011) have presented very clear arguments about this. In this view, documents are not just like cups full of words that people might come and drink from and then go on their way. Documents are part of our way of doing things in Australia (and in other highly bureaucratic countries, too) and they are an active part of making things happen here. Because of this starting point I focused less on the contents of the documents and more on what it is that they do.

The research: why

The final thing that I want to talk about very briefly is why I chose to do this research. I used to work in child protection doing the same job as Cara. I have written court documents and found that writing very hard. I thought a lot about one of the questions that I am trying to answer here – what do these documents do to people? At that time (and still now) I thought that people working in child protection and similar jobs spend so much time writing but so little time thinking about how powerful that writing can be. Candlin and Crichton (2010), in a book I like called *Discourses of Deficit*, wrote about exactly these kinds of questions and particularly about how ‘deficits’ (a

¹¹ These further, ‘smaller’, questions will be presented in Chapter 2.

lack of abilities or areas of failure – “a measurable insufficiency” (p4) as they wrote) are ‘written’ into people’s lives by professionals. Deficit is strongly written into child protection’s ways of assessing parents, as was illustrated by Hall and Slembrouck (2011a). In some ways this research is finding out what ideas other people have about that question, finding out why it might be like that and also wondering if it has to be that way.

All of the things that I have mentioned in this letter to you are talked about in greater detail in the chapters that follow. Chapter 1 of the thesis is a letter I have written to the whole group of people who were interviewed for this research describing my ideas about the way the world is and what good knowledge is. That is important because all the research rests on those ideas – they are its foundations and influence both the shape and the strength of the whole project (Cunliffe 2011). Chapter 2 is a letter I wrote to your dad. It gives a much more detailed description of the research method and covers lots of different things about child protection. It also includes a lot of what he said about documents. Chapter 3 is a letter written to all of the professionals who sat down and talked with me. It doesn’t talk much about the research method except that it gives more detail about my method of analysis – the way I looked at, thought about and made sense of the information I gathered during the research. That letter is very long because it covers all of the types documents that I looked at in the file – describing and thinking about every single one of them, sometimes using the words of the people I sat down and talked to – and then it has the other things that that group of people told me about child protection court documents and what they do to people. It has ended up as a single chapter but in four parts. Following that is a conclusion where I try to bring all of this information together and sum up what it means and what that information says about the questions this research is trying to answer. It is another letter written to you.

My hope, Isobella, is that by the end of this very long story we both know more about child protection and the place of documents in that ecology. It might mean that when we come into contact with documents we are both better able to see into them and their power. I hope we know something about people’s and documents’ interactions with each other. It is also my hope that we might know something more about ways that documents can be studied. If these things happen the research will have made a contribution to the field of child protection, as well as a contribution to document research methods.

Have you thought much about poetry?

This might be a question you don't get asked very often but I am wondering if you have read or heard much poetry, whether you think much about it and whether you like it or not. I think about poetry a lot. What I am thinking most about it at the moment, and why I am writing to you about it now, is that poetry seems to be about very careful use of words. It is different from the careful use of words that can be found in some professional settings like politics or social work. Different people have written about the deceptive use of words in some of these professions. For example, in politics, language can be used to give the impression of open processes, while doing the opposite (see, for example, Fairclough 2010b). In social work, talk about evidence can involve vague terms, selective use of information and 'weasel words' that limit analysis and reduce thorough approaches to evidence based practice (Gambrill 2011). Poetry, on the other hand, uses language so carefully to describe things – tiny things like flowers or grains of sand or enormous things like war or sadness – that we feel a meaning in the words; we feel opened by the writing.

Thinking about documents, so full of words and consequences, it seems important to think about how words have been used in them. How carefully have they been put together? Is it the care of poetry that plants seeds to grow in the fertile spaces of our imagination or the careful pruning that selects which branches of thought are possible and which ones will be removed? Are the words working to open meaning or to close it?

What do you think about these poems?

Sister

Her fingers are tiny,
They barely hold
My finger against hers.
Her face is peaceful,
Eyes closed,
Lashes soft against
Her cheek.
Toes curl
Like cowrie shells,
Precious treasures only
Ever found once.
Her breath is
Quiet and calm,
It kills all anger,

And leaves only her.
Her fingers are tiny,
They barely hold
Life.

(Melissa Wellham, age 14)

somewhere i have never travelled, gladly beyond

somewhere i have never travelled, gladly beyond
any experience, your eyes have their silence:
in your most frail gesture are things which enclose me,
or which i cannot touch because they are too near

your slightest look easily will unclose me
though i have closed myself as fingers,
you open always petal by petal myself as Spring opens
(touching skillfully, mysteriously) her first rose

or if your wish be to close me, i and
my life will shut very beautifully, suddenly,
as when the heart of this flower imagines
the snow carefully everywhere descending;

nothing which we are to perceive in this world equals
the power of your intense fragility: whose texture
compels me with the colour of its countries,
rendering death and forever with each breathing

(i do not know what it is about you that closes
and opens; only something in me understands
the voice of your eyes is deeper than all roses)
nobody, not even the rain, has such small hands

e.e. cummings (1894-1962)

Each of these poems opens my feelings for children's precious powerfulness; but, who knows exactly what the poet was thinking. Poetry is like that. While I hope that the reader of this thesis' chapters will know at each point exactly what I am thinking, I also

hope that the writing leads thoughts and feelings to open rather than leading to fists closing around its ideas.

Poetry has guided my thinking about how we treat words when writing as professionals. I often wonder if we treat words lovingly or carelessly. A poem that suggests the importance of words and treating them lovingly starts with the lines:

*Words
All these words
should be fragrant as the sea of pine
As morning stars
Fading at dawn above the mountains¹²*

Because of this poem I have a new way of thinking about words that has not come from academic writing.

Recently I wrote an affidavit

Maybe you will never read this thesis, but maybe you will. In closing this letter to you I want to describe a recent experience that adds to my knowledge of the kinds of documents this research is about.

Last year, I wrote an affidavit for a court case relating to the custody and care of a child. It was a very difficult document for me to write. The format was not difficult to write in. The rules were not difficult to understand. But there were so many different things on my mind as I wrote. The child was there in my mind – the affidavit was describing my observations of him and my relationship with him. What would he think about what I made of him in that document? And what would he think of the judge knowing him like he could be known through those pieces of paper? [Remember, the same way it was with your case, the magistrate will never meet him face-to-face; it is through the writing and voices of adults that he will exist to the person who is making decisions about him.]

In writing the document I had to tell the truth. It had to be what I was willing to affirm (or swear) in court was true; what I had to be able to defend as true. If I was found to be lying, or if it could be made to look as though I were lying, there would have been

¹² From the poem “All These Words” by Sreko Kosovel. Translated by Privac & Brooks (2011)

big consequences for me and for the case overall. I struggled to write in cold hard facts about a child for whom I feel great warmth.

Also on my mind were the questions I might be asked by a barrister whose job it was to create holes in everything I wrote, to make me look foolish or dishonest or biased, or all of these. The words in that document were chosen very, very, very carefully.

And what to do with the feelings that I had about the case? There were things I really wanted the magistrate to decide; things I believed were right and things I believed would be bad if they happened. And, I didn't trust that the magistrate would be able to see what was right and what was wrong in this situation.

When writing that document, the idea "do no harm", a guiding idea of the social work and other professions seemed impossible to follow. Neither, I felt, was the possibility to 'do some good'.

In writing the document and submitting it to court, it felt as though a bomb or a weapon or something dangerous was being given over for someone else to use as they pleased. Would it be used against me? Would it be used against someone else? Would it not be used at all? Maybe it would sit somewhere, in a bunker, on a shelf, in a file, waiting – still armed and dangerous – waiting to go off.

And then the court case came. And the day I was required to be there came. I got dressed in my best suit. I wore a tie which I almost never do. I was going to stand behind what I wrote; I was going to stand beside my friends. I was going, very carefully, to do something to help that child.

I thought about all of the ways that I might be questioned regarding what I wrote. I thought about the paths I might be led down, the traps that might be set, using what I had written as the basis for my own shame and for the benefit of the other side.

I went to the building; went to the floor with eight court rooms. I sat and waited while family after family rotated through the different court rooms' doors. I noticed the range of people's appearances and I noticed the ways they carried their bundles of documents. Some looked as beaten about as the people who carried them. Some were prim and proper and carefully presented. They were carried, studied, talked over, examined, marked and debated. The document I wrote sat in my bag, within easy reach, reviewed and ready to be used and defended.

In the waiting room I waited. In the waiting room I prepared. In the waiting room I cranked over the work that I was missing while the battle was being fought in the room behind me.

And that is as close as I got to that fight. The solicitors decided I was not needed. My carefully chosen words were included in the record but I can only assume they were

not provocative enough to be considered dangerous. They were totally disarmed by not being engaged with.

I don't remember ever feeling so accountable and so disempowered as I did in that moment.

I still think that the care I took was important but it was a reminder to me that once we put words on paper and let them go somewhere else, to someone else, they are no longer under our control; we have no idea how they will be used or what they will do. That is pretty much what Lindsay Prior, a long-time researcher of documents, meant when he wrote "once a text or document is sent out into the world there is simply no predicting how it is going to circulate and how it is going to be activated in specific social and cultural contexts" (Prior 2008a: 824).

Do you know the story *Frankenstein* (Shelley 2009 [1818])? It is about Dr Frankenstein, a man who works out how to build a human and bring that human to life. He works very hard, in secret, not going out except to get the different things he needs to make his creature. He thinks so much and only about this thing he is trying to achieve that he loses contact with friends and the world all together. Finally he has the creature ready and then charges it with the energy for life. The made man wakes up and when Dr Frankenstein sees the creature he has made he thinks it is so horrible that he wishes he had never done it, but now that the creature is alive and roaming freely in the world, he has to work out what to do. Eventually, the creature feels so hurt by being hated by Dr Frankenstein that he seeks revenge and kills people the doctor loves. This story makes me sad when I read it. It reminds me that we can get so focused on our own cleverness that we lose sight of the possible consequences of what we are doing and once we give life to something (like a document, for example) we can't just undo it. I say this because I hope that in making this document I have thought enough about the monster I am creating and the effect that it might (or might not) have on the lives of the people involved with it. Only time, though, can be the measure of that.

This is the end of this introduction; thank you for your patience. I hope you understand what this research is about, have a sense of the ideas behind it, got a hint of its conclusions, but most importantly of all have an overall appreciation for its flavour. Most of all, I hope you have your bags packed for the rest of this journey.

Yours sincerely

Chris

Chapter 1: In which we are introduced to the point of view of the author



Dear Cara, Mandy, Margaret, Nathan and Simon

In this letter to you all I want to describe the earth and the soil out of which this research thesis grows. It has many parts set here as layers. It starts with the most enduring – the bedrock of beliefs and values upon which everything else sits – and moves through views about how the world is, up through the rich layer of ideas about what makes good knowledge. After all, the purpose of this whole exercise is to offer a piece of good (or at least good enough) knowledge.

To write a thesis is to put forward (in writing) an argument about some particular thing. A doctoral thesis (this thing that I am writing) is an argument made in a university setting for the purpose of demonstrating my abilities in original research and in making an argument that stands up to testing. We have of putting forward ideas about things most days of our lives, but the process here requires more than that. It requires that we bring together good enough ideas about how the world is and data that those ideas can be applied to as well as thinking clearly about the approach we are taking – the why as much as the what and how of what we are doing.

In the case of this research, the new data came from court documents and from the things that you said when we sat down together and talked. That data (and the ideas applied to it) will be presented in the next two chapters. First, in this letter, I want to talk about the ideas I find useful for thinking about how the world is and how I think about knowledge. These could be described as the “set of beliefs and feelings about the world and how it should¹³ be understood and studied” (Denzin & Lincoln 2011: 13). This is otherwise known as the ‘paradigm’ that I am using, or my “metatheoretical assumptions” (Cunliffe 2011; Morgan & Smircich 1980). I present them here, before the data and analysis, because the researcher’s paradigm deeply influences how research is done and the analysis that is made (Denzin & Lincoln 2011). This is what was meant by Hesse-Biber and Leavy (2008) when they wrote: “Paradigms are models of knowledge building that provide templates for studying social reality”. Some theorists have argued that they have more influence on the research and its findings than the methods that are used (Morgan & Smircich 1980). People’s views about the world and knowledge are not always spelled out, but in the process of creating a satisfactory research argument they must be.

To provide a very quick introduction to my metatheoretical assumptions (about which I will provide more information later), I want to show how I fit more comfortably in a *new-paradigm* research approach than an *old-paradigm* approach. The difference between these two approaches is that traditional (old-paradigm) approaches to science ignored the influence of the researcher, while newer approaches see the

¹³ I will cover this in proper detail later but it is important to note that within my view of the world and knowledge-building, in this sentence the word “should”, should be replaced with the words “can usefully”.

researcher as pivotal to the whole process. In the old view data was matched up with existing ideas to consider how well those two parts fitted together or whether each part provided a new view of the other. To illustrate using one example, Gregory Bateson's (1972: 25) old-paradigm way of thinking about science is that the researcher should "start from *two* beginnings, each of which has its own authority: the observations [data] cannot be denied and the fundamentals [longstanding pieces of knowledge] must be fitted" (p26, emphasis in original). The result, the analysis, should grow logically out of these two parts. He states: "'Explanation' is the mapping of data onto fundamentals, but the ultimate goal of science is the increase of fundamental knowledge" and the process is "a sort of pincers manoeuvre" (Bateson 1972: 25, 26). To my mind it looks like this:

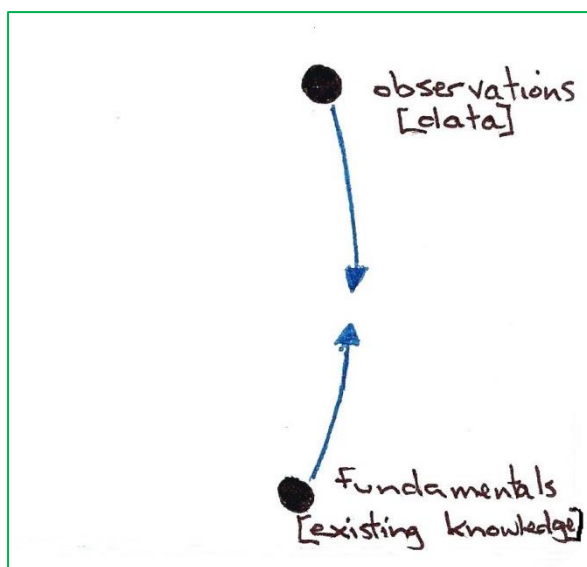


Figure 3: The research project in an old-paradigm view.

If you know anything about pincers, though, you will know that they need a pivoting point in order to work – the two points are at the end of a fulcrum and are brought together by being anchored at a common starting point; a pair of kitchen tongs would be an example, or tweezers. If we include the pivoting point, the diagram would look more like this:

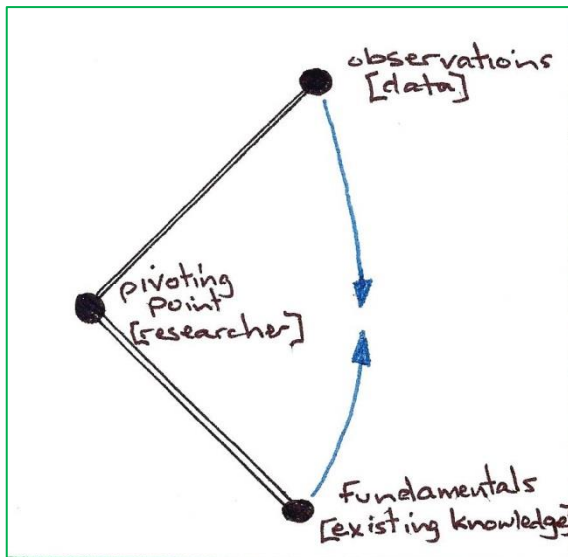


Figure 4: The research project in a new-paradigm view

The difference is important because the pivoting point of all research, I would argue, is the researcher. And, this updated picture might lead us to see research a bit more like O’Neil describes as her “critical theory in praxis” research methodology (2008: 129) where there is a careful balancing of a vital three-way tension between embodied experience [researcher], rational reasoning [fundamentals] and collected data [observations]. O’Neil’s approach is more in line with new-paradigm research (where I more comfortably fit), while that of Bateson’s description is old-paradigm research. To spell this out more thoroughly, I have to go back to a beginning point.

Social Ecology as my paradigm

At the end of my high school years (1987), when everyone was filling out their university application forms, a friend and I were planning to go and join the protests at Pine Gap in central Australia. The Australian government was endorsing US military intelligence gathering facilities and nuclear weapons coordination in the heart of our country and that seemed a dangerous thing to me – both for Australia and for the world. I did not submit a university application form as there was nothing in those institutions that held any interest for me – none that looked as though they could help me learn the things I wanted to learn or would help me make a difference for the things I cared about. After leaving school (having chickened out of joining the protests) I worked in factories and nursing homes until, in 1993, I met someone teaching Social Ecology. That was when I found the course I was interested in; that was when I applied to university; that was when I found the way of thinking and approaching social life that was my home. Although I have not always called myself a social ecologist

(because it is often very hard to describe what it is, especially to employers), I have always been one at heart.

At its first and most fundamental level, social ecology is about applying ecological thinking to everything around us. That includes all of life (including human and non-human), all places (those which are naturally occurring and those which have been built) all forms of interaction (from the highly organised to the highly disorganised) and everything else I haven't thought to mention. Ecological thinking involves seeing every-thing as connected, in one way or another, to every other thing. This interconnection is not only about all things rubbing up against each other but is also about all things being inter-dependent. That is, all things are what they are because of the influence of all other things. Again, this includes all human and non-human life. While this might not mean that taking away one thing leads to everything else falling down, it does mean that changing or taking away one thing changes everything else (even if only microscopically). Seeing all things as interconnected and interdependent invites us to think holistically.

Some (social) scientists have applied ecological thinking to human interactions or to human development. A notable example of this, that influences lots of social work, is Uri Bronfenbrenner's (1979) *The Ecology of Human Development*. This is often shown as a diagram of onion-like layers representing different, interacting, levels and systems of influence that shape how people/children develop. In this diagram the person (usually a child) is at the centre, then the inner-most ring includes their immediate family, moving out to their neighbourhood, their schools and local institutions, then the places that shape their parents'/family members' lives, and finally to social institutions and culture whose immediate influence is less easy to see but still shapes who and what a person is. More recent versions of the model have added the element of time and updated the name to the bioecological model (Bronfenbrenner 1999) [as shown in Figure 5, below].

I say that you might be familiar with these ideas because this model has influenced child research (such as the Longitudinal Study of Australian Children (Zubrick 2015)) and led to assessment tools in child protection contexts that look at the multidimensional, multi-layered, interactional nature of people's lives (see, for example, Robertson 2014; Wilson et al. 2011). Another use of the ecological perspective in relation to children and child protection is Pinkerton's (2011) view of the social ecology of leaving out of home care. In this research he proposes a similar framework of interacting systems, both close and distant, that impact on the lived experiences of individual young people leaving out-of-home care in South Africa.

The (bio)ecological model is effective for showing people's lives as shaped through how they experience the various interactions within and between levels, with Bronfenbrenner saying, essentially, that in a very large way we are who we are

because of our experiences with the systems we interact with; and, the influence goes both ways – the child and all the systems influence each other (Bronfenbrenner 1979). Bronfenbrenner’s model also requires attention to politics and power by identifying that one of the factors that influence a child’s developmental ecology is the social arrangements in which they are embedded – for example the influence of discrimination and disadvantage. Another aspect of politics that this model attends to is the ways in which resources are allocated (or not allocated) and the services that are or are not accessible to children and their families (see, for example, Brooks-Gunn 1995).

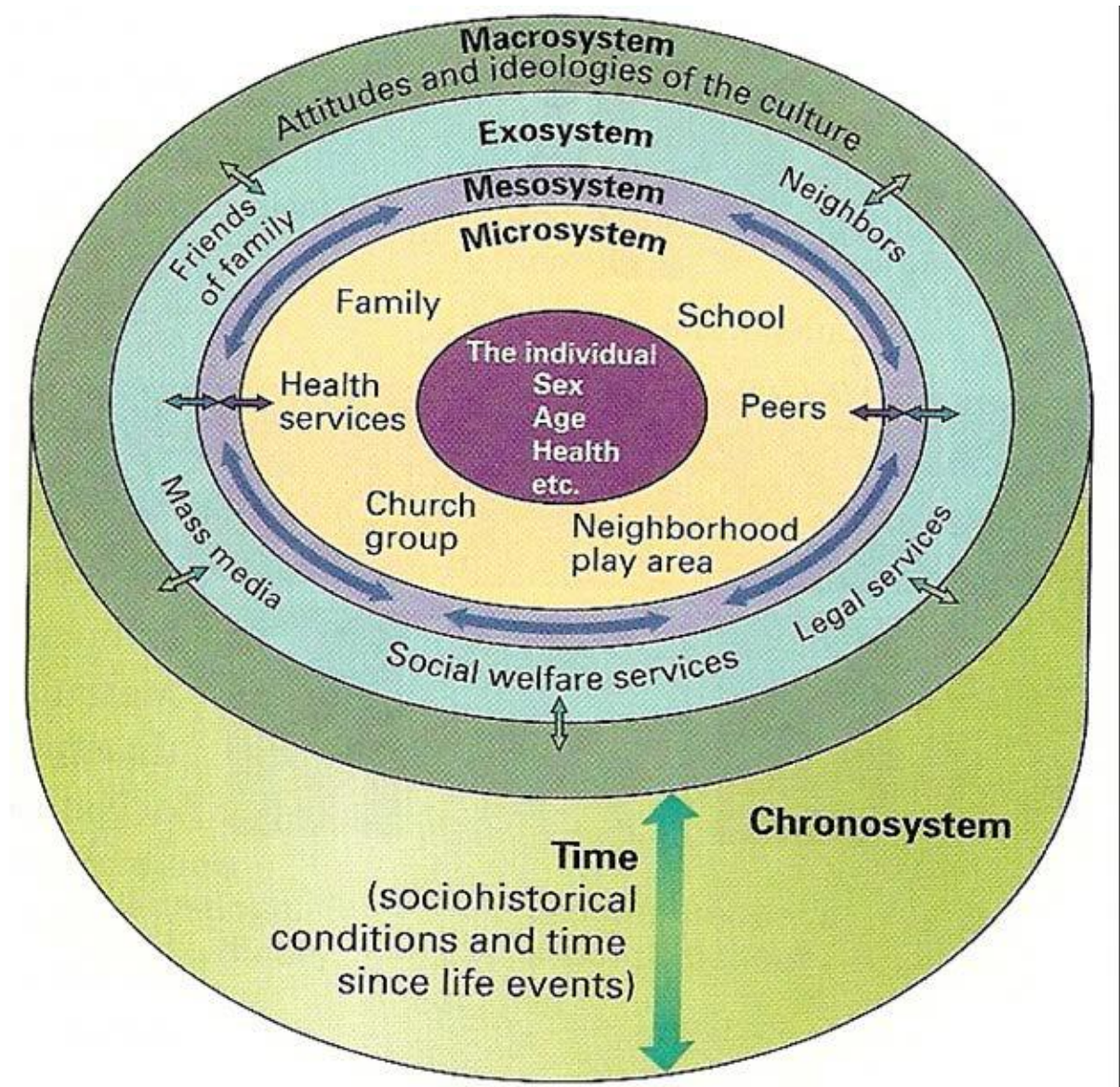


Figure 5: Bronfenbrenner's bioecological model. Taken from Zubrick 2015

While Bronfenbrenner and those who have followed in this approach use some important ecological first principles, there are many things that they do not embed

that come from the version of social ecology I fell in love with. Bronfenbrenner's approach to ecology represents a form of "conventional [old paradigm] science" (Berkes 2012) which believes in an objective reality and approaches the development of knowledge as value-free, measuring and gathering data about things that are out there, separate from the observer. Social ecology, on the other hand, agreed with criticisms of modern science and took a very different position, seeing all knowledge as a product of the time and place it was made as well as being a vehicle of power (Berman 1990). Social ecology took seriously the problem that science (like politics and business) was dominated by white men who were heterosexual and able-bodied, silencing diverse voices in the process (Hesse-Biber & Leavy 2008). From my perspective, taking a social ecology viewpoint, the weakness of the ecological perspective of Bronfenbrenner and others who have used that approach is that it disconnects the observer from the observed, assessor from the assessed, intervenors from those in whose lives we are intervening. Even where the influence of the scientist's laboratory is reported (Bronfenbrenner 1979), the influence of the scientist/observer and creator of the model, is not. The issue of mutual influence is not presented and the question of power is not addressed. In this situation all power to name and describe a problem, propose solutions and evaluate knowledge rests with the scientist and within academic circles. A positive of a bioecological model is the acknowledgement of the influence of context and interrelationship as important theoretical dimensions for understanding people (see, for example, Bowes, Grace & Hayes 2009), but that approach keeps the divide between the scientist and the subject. This issue was a fundamental part of the critique of science from which social ecology developed.

Reflecting the idea that the strongest ecologies are those which are most diverse and complex (Clark 1990a; Hill 2000), social ecology's approach to research and teaching valued wide varieties of knowledge about the world and society. Thus, spiritual, traditional and creativity-based knowledge had a place alongside science. Listening to these voices required us to consider questions of power, both in research and in social life in general. As noted above, this flowed out of critiques of science or scientism (the belief that objective scientific approaches were the right ways to research and all other ways failed to produce satisfactory knowledge) from the late 1960s and 1970s (Denzin & Lincoln 2011; Hesse-Biber & Leavy 2008) and placed social ecologists in the space of new-paradigm inquirers. Following this approach, I agree with Denzin and Lincoln (2011) that different research methods tell different (but not necessarily better) stories about the world and that "each practice makes the world visible in a different way" (Denzin & Lincoln 2011: 4). Further, who the researcher is, including their personal values, fundamentally influences the research process and the research findings (Denzin & Lincoln 2011).

Rather than spending more time describing to you what social ecology is or is not, I will show you by applying its central metaphor – ecology – to child protection. Metaphors are tools for thinking and communicating that people use constantly (Todd & Harrison 2008). According to Mardorossian (2013) we can't escape from their use and they work to make complex ideas easier to understand. At the same time, metaphors have consequences because they shape how we act in the world (Todd & Harrison 2008), and are not all equal in their fit for particular circumstances (Mardorossian 2013). As a result we should be careful with their use, considering their appropriateness as well as their social and political implications. Aristotle, in his book *Poetics*, when discussing language-use skills of the poet, reportedly wrote “the greatest thing by far is to have a command of metaphor ... to make good metaphors implies an eye for resemblances” (Butcher 1902: 87). Based on the idea that metaphors matter and because it makes a difference to how I understand what child protection is and, more importantly, the place of documents within child protection, I would like to take a couple of pages to present this ecological metaphor for child protection. In order to make the qualities of the perspective more clear, I will distinguish it from other possible ways of seeing – that is child protection as a system and child protection as an assemblage.

System view

While it may initially seem superficial, the question ‘what is child protection?’ is not simple to answer and, I think, depends on how it is viewed. One view that is commonly talked about is child protection as a ‘system’ which includes statutory services (those, like Community Services, with a legal mandate to act), non-government organisations, police, health and education, those professionals who work with children in their role as mandatory reporters of child welfare concerns (Tilbury et al. 2007) and the Children’s Court (Tilbury 2013). This view contains a suggestion of parts that work together, structure and order which is consistent with the Oxford dictionary which defines a system as “a set of connected things that form a whole or work together” (Kent 1998: 542). In Lewig et al (2010: 462) “Australia’s child protection system” is comprised of the state-based statutory agencies, the role played by the Federal Government (which is most substantial in areas that try to address issues such as homelessness that are correlated with child abuse), and the work done by non-government agencies in attempting to prevent harm to children through early intervention programs. Scott (2009: 66), following Braithwaite et al (2009), presents child protection as “a formal regulatory *system*” (emphasis added). Other authors who have used the ‘system’ description when thinking of child protection include Lonne (2013) and Parton (2009, 2010) (see, also, Armstrong et al. 2013; Booth 2005; Brown 2006; Buckley, Carr & Whelan 2011). In the majority of these cases the child protection ‘system’ involves statutory agencies, the policies, procedures, technologies and legislation that supports their functioning and, perhaps, the funding and regulation of non-government agencies attempting to work with families and prevent the problems

that lead to harm to children. Tilbury et al, in a well-regarded and much used child protection text, write “the child protection system comprises all the government and non-government organisations that deal with child abuse and neglect” and “the child protection system is part of a wider web of service provisions aimed at ensuring the development and welfare of children ...” (Tilbury et al. 2007: 13).

From this perspective, child protection is the formalised aspect(s) of agencies and processes; it is those organisations in which people might work, and it is those things/tools that are used by people in their work; it is continuous and long-lasting, above, beyond, and outside of people. It draws our attention to the cogs in the machine – what they are made of and how they work and maybe how they interact with other cogs. But, thinking about child protection as a ‘system’ draws our attention towards the components and away from the people, relationships and moments in which child protection is made and remade – assembled and re-assembled. The idea of ‘system’ works to suggest solidity and reduce uncertainty about the places where ‘child protection’ exists. It also suggests that there is some form of overarching ‘thing’ which is child protection – something we could point to or touch – that exists outside of the moments when ‘child protection’ happens. An alternative metaphor is presented through assemblages theorising.

Assemblage view

Some authors have indicated that child protection is found in actions and relationships rather than in structures and institutions. To think of child protection as a system might obscure the degrees to which it could more usefully be thought of as something less, other and more than a set of parts in a machine. Of child abuse (and by proxy, child protection) Cashmore (2009a: 168) writes

child abuse and neglect are operationally defined by the decisions people make in referring suspected abuse and neglect to child protection services, and by the response of those agencies to the referrals.

The system view takes our attention away from the ways that interactions and relationships shape what child protection is; away from what is created through human and non-human interactions, as child protection is continually being made and remade. It is this that an assemblages view offers.

Taking this view, child protection can be more usefully thought of as the moment by moment coming together of human and non-human elements, where ideas about, and actions for, children’s protection and wellbeing are somehow part of its purpose. This approach is informed by ‘actor-network theory’ (ANT), as described in

Reassembling the Social (Latour 2005), and borrows uses of ideas of ‘assemblages’ from contemporary social theory (see, for example Collier & Ong 2005)¹⁴.

I see the assemblages metaphor inviting us to think in terms of snapshots of child protection moments – an interview between caseworkers and parents, a person in an office writing policy, a person in a school making a report to Community Services, someone reading a court document – and looking for all of the things that go into making that moment what it is. If we are thinking about an interview with a parent, is the interview in an office? How does the way the room is set up influence that child protection moment? Is the way that interview room is arranged the result of policies that say how many doors there have to be, who sits closest to which door, and where the panic button is located? How does the technology of the telephones and the computers and the ways that information is shared and stored shape the process of the child protection report being made? In the ANT assemblages view all of this makes a difference. In this view, exactly what something is, in this case child protection, is a property that emerges as a result of the interaction of all of those ‘actors’ – those things that make a difference (Cordella & Shaikh 2006).

The usefulness of this view is that it draws attention to the moments in which ‘child protection’ is ‘made’ and ‘lived’ as well as the different human and non-human elements involved in that making. For research, the assemblages metaphor encourages us to pay attention to specific situations, rather than making generalisations, resulting in “a mode of inquiry that remains close to practices” (Collier & Ong 2005: 4). As a result, case studies are a good model for assemblage research. In addition, ANT pays attention to the effects of human *and* non-human actors in the assemblage – for example, a child protection ‘caseworker’ *and* the assessment tool that person uses are both consequential in a child protection assemblage. Within this view, then, documents become actors and have a specific agency in assemblages.

In considering child protection as an assemblage, I see every moment of ‘child protection’ as unique. Unique because of differences in time, differences in place, differences in the people and things brought together, and every moment results in a remaking of ‘child protection’. Hunt writes, “The key feature of the assemblage concept is that it involves a differential set of combinatory elements and that those elements play different roles in each variant assemblage” (Hunt 2013: 80). Said another way, following Latour (2005), the assemblage that is ‘child protection’ is remade or ‘reassembled’ every moment that it is invoked. By focusing on moments, assemblage research does not treat child protection as something uniform and static but urges us to look for uniqueness and consistency in its application and creation.

¹⁴ I do not consider myself a scholar of assemblage theory but seek to borrow elements of it in the service of this project. This borrowing can be thought of much in the same way as if I were to borrow nails and a hammer from my carpenter neighbour, in the process of fixing my fence, I do not become, nor do I need to be, a carpenter to use the nails and hammer and complete my task.

This is not to say that there are not components of 'child protection' that are formalised, longer-lasting, repeatable, continually repeated and that demonstrate a degree of sameness. These components include law and legislation, policy and procedure, hard and soft technologies (computers and its software, for example), and ways of thinking and talking. The degree of consistency of these elements and how they are put into practice may be considered to be the degree to which child protection has been 'stabilised' (see, for example, Latour 2005; Lee 1994). Rather than being hard or solid like the system notion suggests, though, this stability is only as strong as the infrastructure that it is built around – the computer networks and its software, for example – as well as people's willingness to do things in the same way over and over again. Seen in this way, child protection is inherently unstable – people might act or react differently in any moment or in any child protection assemblage, or the computers might be corrupted and breakdown; child protection would suddenly look different in that moment (and maybe for many moments following).

There are other authors who have thought about these questions of how our social facts (like child protection) are continually made and their levels of stability. Regarding the usefulness of the notion of 'assemblages', as put forward by Deleuze and Guattari, Silberstein writes "Deleuze helps us to move beyond unities, subjects and centralised authority and seek out the processes by means of which they are produced" (2006: 146) and, "Instead of beginning with order and stability, with organisations, institutions and structures, I begin with the processes by means of which these are produced" (Silberstein 2006: 147). The assemblages view shifts our attention from the impression of unity suggested by notions such as 'system' to the moment by moment creation of (in our case) 'child protection'. Hunt notes Bourdieu's use of the term 'field' as being similar to that of his use of 'assemblage' and writes that, "Bourdieu draws attention to the fact that a field does not exist in an abstract social space but is the result of activity and work" (Hunt 2013: 82).

There is little research that applies or incorporates the ideas of actor-network theory to child protection. But, where it has been done, thinking about the non-human aspects of the child protection assemblage – particularly documents or computer systems – is one of its distinguishing features. As an example, a study in the United Kingdom examined a new electronic database that was developed so that child protection and other agencies could identify families in need and share information more effectively about their work with those families (Peckover, White & Hall 2008). In keeping with an ANT perspective, these authors argued that the people/workers and the technology relied on each other in order to function and have a two-way influence – that is, "users (workers) are both configured by the technology and also contribute to its configuration (Peckover, White & Hall 2008: 380). A different study looked at the ways that classifications of families "being 'at risk'", or not, were achieved and the role of documents in these processes (Stanley, Plessis & Austrin 2011). This research found

documents to be powerful actors in the risk classification process which often had the effect of excluding families from contributing to the findings about their experience. As Stanley, Plessis and Austrin (2011: 51) write:

families and children can be left out of significant decision making when social workers are not aware of the powerful way actants, such as professional documents and reports, actually set up and organize sets of social work responses.

A distinct feature of this is the authors' identification that human and non-human actors such as documents are linked into networks of influence and that this influence is hierarchical – certain professionals, for example psychologists have more influence in child protection findings than others, such as child protection social workers (Stanley, Plessis & Austrin 2011). These authors argue that this hierarchy of influence is extended to the documents of those professionals.

A third study is relevant to this discussion of actor-network theory analysis in child protection. This research – a PhD study by Susan White – also focuses on the ways that writing is a key ingredient in child protection practice and the ways that social workers engage with writing in their work (White 1997). Similarly to Stanley, Plessis and Austrin (2011), White found that written documents are integral to the child protection actor-network and that hierarchies of believability exist between professionals and also when compared with families' views. She found that case file notes, assessment reports and court documents are a place in which social workers explain and justify their decisions and actions after the fact as well as being a starting point for knowing cases into the future (White 1997). Her research looked closely at the ways workers built their arguments within documents and showed how rhetorical devices (writing in a convincing way), including the incorporation of other documents, were used. She considered how workers constructed parents and themselves in and through documents, particularly in relation to blame and ability. This has some similarities to the research by Christopher Hall (1997) in which he interviewed child protection social workers and then compared their comments about cases against the ways that cases were written in files. His purpose was to explore “how social workers make their work visible and justifiable through their talk and writing” (Hall 1997: 3). Taking the perspective that things can only be known through narrative, Hall (1997: 3) went so far as to say “through the process of everyday explanation, social work is created”.

These authors/researchers looked at the ways that language use, both spoken and written, is key to social work activities and a functioning element of child protection's actor-network. They included narrative and actor-network views, as I am including here. What is different here, though, is that they generally didn't ask their participants directly about documents and writing as I did with you. Those researchers came to

think about workers' relationships with writing through comparison and contrast – for example they asked workers about cases, then looked at the files – rather than asking them directly about documents and writing.

Looking at a social feature such as child protection through an assemblage view also invites us to look for the amount of work that is being done to create and maintain stability (or to create carefully managed change) in that setting. One approach being used to keep things stable in child protection is managerialism – high levels of monitoring and auditing to ensure individual work is in line with organisational approaches (see, for example, D'Cruz & Gillingham 2014; Dickens 2008; Lees, Meyer & Rafferty 2013; Lonne, Harries & Lantz 2013). Another strategy is the use of standardised assessment or decision making tools which apply highly structured approaches to practice, and is known as proceduralism (see, for example, Lonne, Harries & Lantz 2013; Munro 2010). I would suggest that the level of effort which is put into trying to ensure consistent, standardised, regulated practice in child protection is a reflection of the potential for instability in that assemblage.

By using the metaphor of assemblages, there can be no one thing that *is* child protection. It is only possible to find it in a place and moment in time in which child protection is invoked. From that moment, to find what things shape it and what its consequences might be, we can follow the endless connections that this offers. Describing every moment will provide a unique story and yet it will be a telling completely connected with child protection.

Where I use the assemblages metaphor in this research I am using the idea that child protection is not a singular, unified, physical thing or activity, but rather it is any of the things, items, actions or reactions brought together for, or leading to thinking about, 'child protection'. Following Cordella and Shaikh (2006), who argue that actor-network theory should be thought about as a view of the way the world is (an ontology) rather than a research method, I understand actors and networks to exist in the form that they do because of their relationships with each other. As Cordella and Shaikh (2006: 9) write, "it is the relationship that produces the actors as emergent from the interplay among different, human and non-human, entities".

Taking this approach, a media article reporting on deteriorating systems and child deaths (see, for example, Knox-Haly 2013; Patty 2013), or a parent's fear that they may be reported to child protection services when their child received a bruise to the face during a friendly wrestle, or a man's decision not to work in the child care industry in case people suspect his motives, or the struggles of a local sports club trying to develop codes of conduct for coach behaviour can become part of the field/assemblage of child protection, as much as a court hearing. This approach allows connections to be followed widely where they are relevant to the moment being examined. It also, though, has limitations.

Ecological perspective

When I am travelling on the train and look out the window at the bushy, rocky hills that run down to the still river, I could see an assemblage. There are a number of different things together in one place. As well as the trees, rocks, birds and animals, there are the few houses and the boats, there is the National Park legislation that covers that area, the power lines that cut through it and the National Parks rangers who must work there. There is a great deal of complexity in this one snapshot. But that seems like something of a lifeless and sterile view, accounting for all the parts, but missing something important about the whole. One of the things about the whole is its breathing, its living, its changing; another is the way differences are the basis for its richness. This explicit attention to wholeness, diversity and change is something I like about ecological thinking. Murray Bookchin, a key developer of social ecology, is quoted as saying that “*ecological wholeness*” is about “a dynamic unity of diversity” (Clark 1990b: 5). Rotello, using an ecological framework to consider the progress of the AIDS virus through the gay community, states that ecology sees all things as being interconnected and adds the observation that due to the interconnected nature of life, a change in one part of an ecology “can have broad and unexpected implications” for the other constituents of that ecosystem (Rotello 1997: 11). Mary Clark describes ecological thinking as seeing that “all living organisms profoundly interact both with one another and with their non-living surroundings” (Clark 1989: 67) forming ecosystems and that ecosystems do not exist independent of each other – they all interact with those ecosystems around them.

It is possible to approach ecology with the view that it is like a machine – many ecologists have done so (Berkes 2012). These approaches rely on a view of science from the modernist (old-paradigm) perspective, which thinks in terms of measuring component parts and evaluating exchanges between parts. These approach ecology as complex systems but seem to miss the emergent properties – the unique thing created when all of those different, interacting parts are brought together. The ecological views that I am interested in and find I am most drawn to are those that see an aliveness to the whole. One example of this approach is “sacred ecology”, described by Fikret Berkes (2012), which grew out of spending time with various groups of Indigenous people in North America and learning their traditional ecological worldview (paradigm) – “a worldview in which nature pulsated with life” – which was rich in ecological wisdom and supported ecological sustainability. Central to that worldview is, according to Berkes, “*the relationship of living beings (including humans) with one another and with their environment*” (2012: 7; italics in original).

In this view of ecology relationships are central. This is true whether applied to a forest or to a group in the community. They are important not as things to be studied, but as

things to be respected and cared for. In this perspective relationships are important because they make things what they are. In biological views of ecology an organism, the community to which it belongs and the context within which they belong each shape the other and each make the other what they are; their natures and their relationships are interdependent, complex and ever-changing (Levins & Lewontin 1980). This has some strong similarities to Gergen's perspectives on social constructionism which see our (human) living as always in relationship and always in motion (in Shotter 2012). Or to Lock and Shotter (2011) who say that relationships are the core of human development. Taken a step further, we have Birch's 'pansubjectivist' ecological worldview, which proposes that "all individual entities from quarks to humans are 'members one of another'" (Birch 2008: 136). For me, this is a logical extension of social and sacred ecology ideas and has a profound influence on living and researching. One of the most important influences is an emphasis on the need for respect, care and equality for people and places.

How I think about knowledge

There are a small number of particular points that I want to draw your attention to that flow from the social ecology paradigm that I have described above. Each of these has a direct influence on how I think about knowledge – what it is to know something; also known as my epistemology. First, diversity – equal and important differences – is not only assumed to be present in any ecology but is part of its strength. Relating this to knowledge, I think that hearing about things from many different perspectives is a good thing. Acknowledging the need for differences also reminds me that I cannot know everything, I cannot have the whole story about everything and I need to own up to my partiality – that what I can say is only part of the situation and that I have a leaning (a bias) towards some things and away from others. Second, believing that I am who I am because of the things and the people around me influences me to think about my knowledge as dependent upon others. This dependency includes my life experiences, the people I have been lucky enough to know and be taught by, the place I have grown up in, and the time in history I have been living in. This research is what it is because of all these things. And, it would not be the same if any of those elements were different. Third, while I can imagine to some extent, I do not think that I can know the specific details of what life is like for another person (or animal or thing). Because of this I try to avoid interpretation and prefer to let people speak for themselves as much as possible. I also try to make it visible when I am offering an interpretation.

As well as thoughts about knowledge, the list above summarises the way that I think about the nature of the world – my ontology. Of particular importance, the second point in this list emphasises my acceptance of the idea of everything being dependent

upon relationships – for living as well as knowing. In some places this is described as an inter-subjectivist ontology (see, for example, Abma & Widdershoven 2011; Cunliffe 2011; Morgan & Smircich 1980). In others it is described as a constructivist paradigm (Lincoln, Lynham & Guba 2011). This might be summed up by the view that “we are always embedded in an intricate flow of complexly entwined relationally responsive activities” (Cunliffe 2011: 657), where that which separates ‘me’ from the things which are ‘not me’ is far from solid. Applying this view of the nature of the world to knowledge, all knowledge and all experience is particular to the place it happens and its meaning can’t be separated from the situation in which it is communicated (Cunliffe 2011). Viewed in this way, any understanding which is achieved in the process of exploring a subject or communicating about it is the bringing together and working together of differing points of view (Lincoln, Lynham & Guba 2011). This reflects a dialectical view of knowledge (Cunliffe 2008, 2011).

While these standpoints on the nature of the world and the nature of knowledge influence how I have gone about this research, they also influence how I evaluate the quality of this research – the criteria I hold for judging the quality and the validity of what I have done. This will be described in more detail below but first I want to make a note about how to research when there are never-ending connections that can be traced.

Managing limitless interconnections

A social ecology perspective is a rich starting point for developing knowledge, but it also presents a complication for research methods. That is, the researcher has to manage the potentially limitless (inter)connections between the main subject of the study and the world around it. Said another way, if everything is interconnected and all things are made of, or influence, everything around them, ‘how it is possible to study any one thing without studying everything?’ Clarke (1989) notes that in order to study ecosystems, with their complexity and interactive natures, arbitrary boundaries must be drawn – we have to draw a line somewhere, even though it is a line of convenience rather than a limit to influence.

Responding to this same problem, the argument of Levins and Lewontin (1980) is that if the researcher does not acknowledge this situation upfront, the research will be confounded by it later. These biological ecologists say we should find a practical balance between two opposing end points. They advocate making strategic research decisions on a case by case basis, taking not pre-determined and non-binary research positions and instead pay attention to varying degrees of influence or relative significance, such that the evidence, in all its complexity and variability, is allowed to speak. They suggest we use “liberal pluralism” which avoids, in their view, the conflict between “mechanistic reductionism” on one hand and “idealistic holism” on the other.

Recognising that all things are influenced by other things includes acknowledging that interconnections extend through time as well. That is, what we have today is connected to the past and the future. We can use a forest metaphor to think about this, too. Using the example of the ways in which the forest of today ‘feeds’ off the decaying plants and animals of the past and provides the same material for the forests of the future, Mary Clark argues that not only are things interconnected in the present but that the elements present today are reliant on those of the past and influential for those things of the future (Clark 1989). A similar comment is made by Merchant (2005) regarding the approaches of biologically-informed ecologists and also by John Clark (1990b: 6) when he writes “all stages of ... development are incorporated in the subsequent stages”. As a result, having a sense of history is important for understanding how things have come to be the ways that they are. At the same time lines must be drawn so that a story can be told and making connections does not go on forever.

How do I evaluate my research

I know that you all are critical thinkers – you assess and evaluate information that is presented to you; you don’t just accept something as true because someone says it is; you know how easy it is to be led (or misled) by things that people write or say. Researchers, too, critically evaluate other people’s work as well as apply standards to their own. This research that I have done is going to be assessed against a range of criteria, including whether the research meets particular academic standards. The purpose of this short section is to be explicit about the approach to academic quality I have taken in this research project. Again, it is linked to the questions of old- and new-paradigm research that were presented above.

The thing that much social science research (and perhaps the research you will be most familiar with) is trying to do is to measure a thing or problem (often called a ‘construct’), or evaluate an approach to making a difference for that problem. This kind of social science is closer to old-paradigm research and generally has a particular approach to working out whether research is good or not; is it reliable and is it valid? One way to think about validity is to ask ‘could the research be trusted as the basis for making important policy or practice decisions?’ (Lincoln, Lynham & Guba 2011). Another way to describe validity is: as a basic research concept “*validity* refers to the issue of whether an indicator (or set of indicators) that is devised to gauge a concept really measures that concept” (Bryman 2012: 171). That second approach to validity is often interested in how the research was designed, whether terminology was clearly defined, whether there was enough statistical power to support the conclusions, whether there were any influential factors that were not accounted for (confounds) and whether the researcher’s own views (or biases) could have influenced the

conclusions. I can see the value in this kind of social science research and can see that the questions asked relating to validity are relevant for that research approach to social problems. In some situations I would also use many of those same criteria for evaluating other research I might do. And yet, I don't think it is the whole story and (as I said above) I agree with many of the people who have questioned old-paradigm research. I don't agree with the idea that research is free from the researcher's values and influence and is non-political. These are some of the reasons that my research falls into the new-paradigm camp.

This critique of old paradigm research is not to say that it has no value, but to say 'let's think about its values' and make an invitation to be specific about values, as well as to consider whether there are other approaches to research that embed different values. The question of research values has had effects on research practice and led to people thinking differently about validity in new-paradigm research. Approaches to validity in new-paradigm research which are presented by Lincoln, Lynham and Guba (2011) include that the research not only acknowledges its political nature, but also that it takes a deliberate political position (an example of this would be standpoint research (see, for example, Harding 2012; Hirsh & Olson 1995; Olesen 2011); also, that the researcher be clear that s/he is only gaining a partial view of any issue or problem (Richardson 1997, in Lincoln, Lynham & Guba 2011).

It is important to note that we can think of validity along two dimensions. The first is the validity of the research method – the way that the research was done. The second is the validity of the analysis or interpretation(s) of the data (the conclusions) (Lincoln, Lynham & Guba 2011). Regarding the first dimension, many different research methods can be applied to any one problem/question. They will bring forth different information and will allow different types of analysis but there is not one single method that "is the royal road to ultimate knowledge" (Lincoln, Lynham & Guba 2011: 120). Obviously, though, there has to be a sensible fit between the research method being used and the questions the research is trying to answer or the problem the research is responding to. Regarding interpretive validity, Lincoln, Lynham and Guba (2011) describe a number of different approaches that have been taken in new paradigm research. These particularly include elements such as the interpretation being ethical or doing justice to the research participants; the interpretation providing knowledge that could enhance people's view of the world they are involved in; the interpretation providing information that can usefully be acted upon, especially by research participants; and action that can help to address power imbalances. The criteria for interpretive validity are deeply integrated with the views of knowledge the researcher is applying – they are epistemologically based.

Learning from all of the material above and applying my own thinking to it, these are the criteria that I would use to evaluate the research that I am presenting here:

- First, do the conclusions rest on a foundation of solid reasoning and an argument that is consistent throughout the thesis?
- Second, does the research do what it claims to do? That is, it does not claim to 'prove' something it does not have the design to prove, nor does it claim to relate to all cases when it has only related to one case.
- Third, that it meets the standards it imposes upon others; that it can be measured by the same critiques it is making of others.
- Fourth, that the claims being made are reason-able versions of events – that I can provide a reason for what I have done and what I am claiming.
- Fifth, has the research process been done with respect, concern, care and consideration for all those who have contributed – for example, interview participants, writers whose literature has been used and those who provided necessary research approvals. This is considering whether the research been conducted ethically.
- Finally, is it as honest as possible about all of the recognised influential parts? Does it apply the same level of examination to researcher, fundamentals and data?

To close

As I get ready to step into the next chapters of the thesis – to present the data from the court documents and the interviews and then discuss them and conclude – I want to end this chapter with an overview of what I am saying about knowledge, research and the way I approach those things. I think the quote below from Abma and Widdershoven (2011: 672-673) provides a very neat summary of my inter-subjective ontology and epistemology (and the overall approach to this research). They wrote:

The underlying ontological notion is that human beings are fundamentally relational. Our social world is the product of social interactions and relations. Understanding of our socially constructed world can only be generated by developing a relation and dialogue with and between the inhabitants of this world. Epistemologically these traditions are grounded in the notion that object and subject mutually influence each other. There is a dialogical relationship: Instead of two independent entities standing in front of each other, knower and known are now engaged in a conversation.

When I think about people, knowledge and research I think about (inter)relationships and (inter)dependence; ecologies full of life and influence growing up from fertile views of the world. This is the case for doing the research as well as presenting it. I also think about being a student; that in creating this thesis I am learning the craft of research (to borrow Cunliffe's (2011) analogy), developing my connoisseurship as

proposed by Mears (2008a, 2008b) or perhaps learning the research and academic trade. In all of this, it is a process of being in the world in relation to this subject and then “being careful about how [I] notice, bring to attention, and shape knowledge” (Cunliffe 2011: 651) when presenting the process and the thesis. There are times when I also feel like a person tending a garden that feeds, delights, troubles and sustains me. This is the description of the ground out of which the research content grows and flourishes.

Yours gratefully

Chris



Figure 6: A research social ecology. Pen and text on paper.

Chapter 2: In which we get our first look at the body of data and some initial themes



Dear Nathan

Hi; how are things for you? I hope all is well and that the time you get to spend with your daughters makes you very happy.

It has been a long time since I have been in touch; a long time since you said 'yes' to being involved in my research, a long time since I sat down with your court file and a long time since we sat down together and talked about child protection court documents. I am writing now because I wanted to let you know what I learned through that research and also to say thank you for giving me the chance to learn what I have through this process. Without you agreeing to be involved, none of this would have happened.

It's taken me a long time to write this and there are a number of reasons for that. First, I wanted to be sure I understood what you and the other people I interviewed had told me. Second, it has taken a long time to get the writing right. This isn't as easy as it sounds. I've had many false starts and many things have been deleted. Third, working out how to include the material from all the interviews, at the same time as respecting people's privacy, has taken quite a while. Finally, there's just the hard slog of doing the job. Like you would know, every job takes time and bigger jobs take a lot longer. Some of it's in the preparation and set up, some of it's in the doing, and there is also a lot in the final cleaning and polishing.

I hope you've got some patience and a fair bit of time on your hands because it is not a short story. To tell it I have to start way back in time and walk through to today – to the resting place my thoughts are at right now. I know that over time I will come back to it again and again and again, to think new thoughts have new ideas, throw out some things and take up others. But, this is where things are today.

Child protection court documents – the things this whole study is focused on – are things I had thought about a lot before we met. Like I said when we talked, I wrote those kinds of documents when I worked for the child protection service. I had wondered a lot about what it was like for all of the different people involved – the magistrate, the solicitor, the casework manager, other caseworkers and, especially, the parents in the cases. But, until I got to do this research, I had never sat down and looked into them deeply; never got the chance to ask all of those people what they thought. I had not had the chance to hear what it was like inside those different shoes to write, to read and to handle those court documents. Everyone said things to me that made me stop and think and see things from new perspectives. I have learned a lot in this study and I am grateful to you for your part in helping to make that happen.

You said when we talked that you hoped this research and your thoughts about documents might help people down the track if they find themselves in the same

position. I hope so, too. You talked a lot about the help you didn't get and the ways that you were expected to be able to fix what was wrong with the court documents without any real help. Part of that was because you couldn't get legal aid because you were working, but the cost of a private solicitor was too much. It might surprise you that other people in this research said that they would hate to go through the court without legal representation and that they don't know how people who represent themselves do it well. Out of all of this talking with you and others, and thinking about documents that I have done before our interviews and since, one of the strongest things that I now know is that if you don't have a high level of skill in writing and a lot of time available to you it's hard to have any voice or power in this situation.

That's one of the ideas we will get to but, like I said just before, we have a long way to travel to get there and there are many other important things along the way. The first section of the path will take us through a conversation about what the research is working with (the materials) and how it was done (the method). As a tradesman you know that there are a lot of different materials you can work with. Each has different properties and has to be handled in different ways; those differences produce different results. Research is no different from that. We will then have to see where the rest of the path takes us.

Other research about documents

Documents have been used in social science research for a long time – Karl Marx used documents when studying the labour conditions in England. Personal documents like letters and diaries have been used in research since the early 1900s (Prior 2011) and how documents should be used in research has been written about since that time (Prior 2011). Prior (2011) also said, though, that researchers were most often focused on the material in a document, or interested in how documents came to be like they are, without thinking about what they do (see, also, Prior 2008a; Prior 2008b). He said that documents are not just containers of content but are also part of making things happen in social situations. In one article, Prior (2008a) showed that documents play a key role in the ways things happen between people in some situations, like the way test results (on paper) are a part of how a doctor might talk to a patient about their health; the talk wouldn't happen the same way if the document wasn't there. He argued (convincingly, I think) that the document changed the interactions between the people involved and in that way had some form of agency – its presence made things different.

A number of other researchers have thought about what documents do – their agency (see, for example, Brummans 2007; Cooren 2004, 2009; Putnam & Cooren 2004) – while others have thought about how people and documents interact (see, particularly, Riles 2006). One of my favourite studies in the book by Riles is of prison

inmates in New Guinea who create their own version of their prison intake form and create for themselves an identity that links back to their life outside prison – their family, their gang and/or their hopes (Reed 2006). They use this version of the form to express something of how they want to be known, rather than the way the system knows them.

Two other researchers, Dunn and Kaplan (2009), looked at the documents included in a murder trial of a man in America who ended up sentenced to execution for his crimes. The researchers reviewed the case files from different helping agencies that had been involved with him through the course of his life to see how professionals in different workplaces had created ideas about him and about his life. These case files started before he was born, when his parents became involved in child welfare services. They continued through his life as he moved from one helping agency to the next – child welfare to foster care to mental health services and juvenile justice. The researchers analysed the files for the ideas about people and social life embedded in the writing and argued that case file records are an effective place to see professionals' ideas about people. They also argued that an emphasis on individualisation and individual responsibility is part of the thinking in helping professions and this way of thinking led to the man losing his appeal against the death penalty. As a side note, they argue that documents are suitable for study but also acknowledge that not hearing the voices of the people involved separates the story in the documents from the people they are about. This is one thing this research sought not to do.

You know what it is like to have a document make you confused or angry or motivated to action. You told me as much when we sat down and talked. Sometimes I feel the same with text books that I read (as well as poetry). They turn things over and present the world upside down and inside out. One of those kinds of books is *Reassembling the Social* by Bruno Latour (2005). The book includes the idea that things (like buildings and furniture and microscopes and documents) influence how society happens as much as people do. Because of this, he wrote, it is important to study documents and other things that are part of the moments when people are connected and things happen – every-day moments like conversations between people in the street or more unusual and significant moments like Children's Court decisions. He might call those moments "assemblages". It is also important not to assume the influence that they have, but to trace it carefully, every step of the way. One of the other challenges the book presented was for social scientists to think again about our writing; to take our writing more *and* less seriously; to understand that our writing is not something we have to do to communicate our real work, but it is where our science happens. He wrote that social scientists have seen documents and books and research reports as mere stories – fictions, perhaps. He did not say this is not true but did wish that social scientists would take as much care and time with their writing as story makers/fiction

writers do. His way of saying it is that social scientists “should be inspired in being at least as disciplined, as enslaved by reality, as obsessed with textual quality, as good writers can be” (Latour 2005: 126). While I keep thinking about his words when writing this thesis, I also think about them in terms of court document writing – how often is the process of writing court documents that careful?

There are a couple of other people who have written about documents in interesting ways. First is a woman called Terry Holbrook (1997) who spent some years working in children’s services in the US (like our Community Services). She did some research involving a woman called Dorothy who was caught up in child welfare services. Dorothy kept a diary about her life and working with ‘the welfare’. When Holbrook moved jobs and became a researcher she compared Dorothy’s diary against the official file kept about her. The difference between the two documents was amazing. Holbrook wrote that the official documents provided justifications for helping Dorothy with money and other support (and in that way worked the system for her benefit) but also blamed her for her own troubles and the situation of her children. Dorothy’s diary reflected her struggle to survive, provide for her children and be a good mother despite living with an alcoholic and abusive husband and living in terrible poverty. The enormous differences between the diary and the agency file in their descriptions of Dorothy’s reality were striking to the researcher. One of Holbrook’s main points is that the descriptions in the file had direct effects on Dorothy’s life. She wrote:

The subtle but pervasive use of official power in the case record to define needs and problems, control resources, reward compliance and punish assertiveness contrast sharply with Dorothy’s description of shame, self-doubt, and defeat in her journal (1997: 54-55).

The other writing about documents that really opened my eyes was about a euthanasia contract described by Boris Brummans (2007). When his father had terminal cancer, Boris, his father and his siblings all signed a contract to say that they would use euthanasia at the point his dad had decided life would no longer be worth living. In doing this they created versions of the people they would want to be – his dad: not dependent for basic functions like eating and going to the toilet, and not in pain; they: willing helpers or doing the act for him if he could not. But, the people they had thought they would be and said they would be and signed their names to being were not exactly who they were when the time came. Although the document didn’t make them do anything, it reminded and urged and pushed, and, Brummans indicated, they felt judged by it when they did not easily follow its instructions.

Ideas for helping to think about documents

I know that I told you I used to work in child protection but don't know if I said also that I used to work as a counsellor for children and families. When doing that I was really interested in an approach called 'narrative therapy'. Two important narrative therapists, Michael White and David Epston (1990), wrote a book called *Narrative Means to Therapeutic Ends* that gathered together many existing ideas in ways that were new in a therapy setting. They agreed with the idea that we (people) arrange our knowledge of our lives as stories – as narratives. These narratives have characters, places, events and some element of time. There are the some stories that get told over and over again and become the main way that people and their lives are known. Then there are the other stories that could be told, but generally aren't. They described how this telling of people's lives is linked with power – especially the powerful authority of professionals to name and classify people's troubles – and that we can come to live those stories and/or other people come to act towards us as though they were true. White and Epston (1990) said that the stories can be spoken or written, and sometimes the two go together helping to reinforce each other.

I don't think I am telling you anything you don't already know. You described clearly the way that this all happened in your court case – how certain, old, drug-related stories were told about you while your skills, your abilities, your work history and housing stability were not brought up. You also said that there were lots of things which could have been presented to the court that showed you were not violent and showed that you were trusted by Community Services with your daughter's care, but because they were not written anywhere it was as though they didn't happen and could not be presented in court. What you also said was that the court listened to certain information – like ten year old police reports – but did not listen to the letters from your boss and your neighbour that described what kind of worker you are and what kind of dad you are. You said:

... why aren't these documents in here saying that how you guys [Community Services] rang me and I took my daughter home?

... why is it that I had to produce this, you know what I mean, about how it shows how I am with my other daughter, how I look after her?

I've got my people who I... the house I lived at for three years who watched me interact with my daughters every weekend, every day, I've got a letter from them. These... all these things that people... letters from people who knew what was going on, who knew me, not just some form the coppers had done ten years ago and then make your own assumption off it, do you get what I mean ...

Writing and speaking are quite different ways of communicating, according to White and Epston (1990). They say that writing is seen to be more reliable and even, in some parts of our society, more truthful – especially official parts like the court. I think you were saying the same kind of thing when you said that if only you could have got up and spoken to the judge directly, things could have been worked out. You said that in other courts you have been able to speak to the judge and the judge spoke to you like a real person and straightaway knew your personality and you were able to work things out there and then. But the Children’s Court is not like that. The other people I spoke to said the Children’s Court is run entirely on documents. So the only way the judge knows you is by what’s written on the paper. And the only way you get heard is through writing.

In *Narrative Means* ... White and Epston (1990) used many ideas from a French philosopher called Michel Foucault. In one of his books, Foucault (1991 [1977]) looked into the development and increase of modern prisons and wider management of the population. Something he wrote about in that book is how social scientists and professionals like psychologists and social workers became part of managing the population. They produce assessments and reports that are very powerful tools for dividing and classifying people – the good from the bad, the normal from the abnormal, the capable from the incapable, and the safe from the dangerous. Through this, professionals came to hold a “power of writing” (Foucault 1991 [1977]: 340). I think if he were still alive today, Foucault would say that those processes continue and maybe that power has been extended to other groups (for example, teachers and nurses). I wonder whether you would agree with that view. I wonder whether you think this is relevant to the ways that child protection and court documents operate.

Clive Baldwin (2013) wrote a book called *Narrative Social Work* in which he also draws attention to the power social workers hold in making stories about people. His argument is that social workers create narratives about people all the time, that social workers’ narratives contain the same structures and elements as stories (fiction) and that these narratives are very influential. One case study he uses to illustrate various points being made in the book is a child protection court matter. He shows how narrative strategies were used by the child protection service to develop and maintain a story of a mother’s dangerousness despite there being little evidence of it and lots of evidence that contradicted it. In this situation his point is that understanding how narratives work and how they are being used can help us look more critically at them and unmask some of their power.

As well as considering powers for social management delegated to professionals, which is often exercised in writing, Foucault wrote other things about modern ways that societies run (see, for example, Foucault 2008b) and people have used his ideas for lots of different research. Some of that research has been in Australia and related

to children and child protection. Firstly, a woman called Kerry Carrington (1993) looked into the ways that court process and case files developed and attached the category of 'delinquent' to young women with troubles and thought about how that affected them and their families. She argued that major social institutions (such as courts) create these categories and make them stick, and this was mostly done to people who didn't have the means to fight back. Second, Heather D'Cruz (2004) thought about the ways that ideas about mothers and fathers, like weeds or flowers, were seeded and grew in child protection matters. She looked closely at child protection case files and listened carefully to the ways caseworkers and managers talked. She found that these focused on ideas of men's and women's parenting roles as well as on who they were as people. Something she found was that workers expressed different possible ideas about people – a lot of different seeds were scattered – but some of these were neglected and died out while others sprouted, growing larger and stronger. The ones that grew had to do with their being watered and fed within the office culture as well as how things like research and policy provided manure or poison. This is similar to White and Epston's (1990) view that there are many possible stories about people, but certain ones come to dominate based on authority or repetition. The third researcher I want to mention is Heather Graham. She didn't research in child protection like the others, but looked at the education system in Queensland. Here she thought about the ways that children with particular learning needs and behavioural issues were described, categorised, highlighted and then put to one side, despite the system having a policy of inclusion (Graham 2006). Overall, these researchers are not looking to find how talking and writing – in documents and courts, by professionals – reflect what *is* true, but how they *make* certain things true and whittle away other things that could be true. The process is selective, supported by institutions and official strategies, and highly complex.

The institution I am most interested in is the NSW Children's Court. As you know, it has a particular role in child protection – that is, child protection services can't take certain actions without its approval – and its documents are of a particular type. Recently there was some research done into the children's courts around Australia. The research on the NSW Children's Court was done by Elizabeth Fernandez et al. (2013). One of their findings was that although there is a clear structure for good practice, achieving that can come down to the individual magistrate as well as the court having enough resources. One of the effects of a lack of resources is that magistrates have less time to explain their decisions thoroughly and in language that everyday people can understand. They also identified that many parents have a hard time getting legal

representation and end up representing themselves, which can put them at a disadvantage.

Some research that looks further into that decision-making process concerning parents' care and children's placements has been done in Israel by a researcher called Vered Ben-David. She studied the ways decisions were made and what ideas and voices were most listened to (Ben-David 2011a, 2011b, 2011c). It may not come as a surprise to you, but the voices most listened to were the professionals; the story most often told was that of a child in need with incapable parents who object to their child being adopted, focusing on their own interests and not looking at the needs of the child. She found that gaps in the argument about inability to parent were filled with 'social' information (not parenting information). This means that parent voices are silenced or used against them, their lifestyle and troubles are used rather than information about their parenting, and there is a repeated dominant story that overshadows other possible stories. On this last point, there is a clear connection between the findings of Ben-David's research and White and Epston's ideas about the power professionals have to make stories about people and how hard it is to contradict those stories. I think you were pointing out many of these kinds of things when we talked. For example, you said:

I'm just a [tradesman] you know, I'm not some lawyer or anything.

[They said] 'this is what we were going to put into court', and I looked at it and they said 'you go through it', and I said 'but these are wrong'. I highlighted so much of it.

I said 'hang on, the judge is going to read this and it's not correct'.

'well that's where you've got to get your lawyer', that's what they said to me, 'you've got to get your lawyer to say that's not correct'.

Another thing you said that really stood out to me about professionals, the power of writing and the responsibility that comes with that power, was:

You know there's a lot of things that can be written on paper, and the stories, like I notice now ... that if an outsider read that they wouldn't see it as being unfair. They wouldn't know what to look for, they wouldn't know that that didn't happen and it's been written like that ... Just the way that these people have presented it on the paper. Because they are professional and that is their job.

While all of the research I described above has been important and useful for understanding child protection, the Children's Court and documents, there are things that I think they have not done. While people like Graham, D'Cruz, Carrington and Holbrook have said important things about the powerful ideas that can be seen in documents, Ben-David showed important stuff about how the court works and who gets listened to and Prior said that when documents are parts of networks they make things happen as much as the people do, very few researchers have looked closely at how people respond and react to documents. Only Brummans started to do that. The others all write as though there is an obvious flow from what is in the document to what happens because of the document; not many, though, have tried to research that process or that effect. And no one has taken the next step to ask how people think and feel about the documents they have been involved with. That is the thing I wanted this research to do and what makes it different from research that exists already. In the next section I present how I did the research.

What I did – (the research method)

The question that flowed through this research and carried me along was: *what can be said about child protection court documents if we think about them ecologically?* A few smaller questions were also important in creating that bigger question. First, *what's in the documents?* Second, *how did the documents come to be like they are?* Third, *what have these documents done?* This is where it started. By the end, a lot of other questions had been asked and a lot of other questions had been answered, but this is where I began.

The approach I used for the research was inspired by a method called emergent qualitative document analysis (Altheide et al. 2008), which I adjusted to meet the conditions, purposes and circumstances of this project. Using different research tools and making adjustments to the ones available is not at all unusual in qualitative research. Some people write specifically about the way this kind of research often is not fixed to one method but uses the resources available and varies the approach from one project to the next (see, for example, Kincheloe, McLaren & Steinberg 2011). Emergent qualitative document analysis (QDA) comes out of studying mass media and was described by David Altheide and his colleagues (Altheide et al. 2008). One of the important and different things about this approach is that it starts from the idea that documents might be studied a bit like different groups of people have often been studied – ethnographically. Ethnography is about getting close to the subject thing or group; spending lots of time with them and becoming familiar with what they are like and the meanings of the things that they do (Bryman 2012). It is also about seeing how they interact with others and how they change over time. Because I worked as a child protection caseworker, spent time writing court documents and seeing other people

as they wrote and interacted with them, I have something of an ethnographic relationship with them. This is an important part of the research process but not all – looking at my past isn't enough to provide answers to the questions I have about court documents now. Therefore, getting hold of some examples of them and reading them closely was important. I also decided to interview people about documents. The interviews provided information about them that I could not have developed from my own knowledge or experience. They also refreshed my thinking about documents – every time I did an interview I came away with new ideas about them. This fits well with QDA because the approach carries an attitude of discovery where “the interaction between the researcher and the subject matter is key” (Altheide et al. 2008: 127) and interviews helped my chances of discovery and encouraged flexibility. They also helped answer the question about what documents do to people. QDA had the balance of structure and flexibility I wanted in the research process.

I applied the QDA approach to a ‘single unit case study’ - looking deeply into one specific example of the thing I was researching. Case studies have been used a lot for research in psychology and medicine as well as studying companies and organisations. A lot of different authors have described how to do case study research as well as the strengths and weaknesses of the approach (for example, Aaltio & Heilmann 2009; Amerson 2011; Gerring 2007; Wilson 2011; Yin 2009). Bill Gillham (2000: 11) wrote that case studies allow the researcher to “explore complexities”, to “‘get under the skin’ of a group or organisation” and look into how things happen rather than just what happens. Overall, the advice is that a case study allows rich description and a very detailed understanding of one ‘case’, but what is found in that particular case may not be the same for others which are generally the same. Following that point, Onwuegbuzie and Leech (2009) warn that making general recommendations is outside the scope of case study research. Bent Flyvbjerg (2011) responded to criticisms of case studies, arguing that they can provide valuable scientific knowledge and are suitable as studies in their own right (rather than coming before the ‘real’ science of quantitative research and theory building). He also argued that case studies are a good partner to statistical research and that when the two are used together we can develop broad and deep knowledge of an issue.

While the research advice is that a case study would not allow me to say whether the things I found when looking at your situation will be the same for others, there is a variation in the approach I have used that makes that not so clear cut. In this research I talked with other people – people who work in the child protection setting – who know your court documents and know these kinds of documents very well. I asked them about your case and also about documents in general. I also know about documents from when I was working in child protection. In these ways, even though the sample is very small – one case and a small group of people talked to – the analysis is broadened and the possibility for comment about documents is extended.

This is similar to Dunn and Kaplan (2009) who studied the content of one set of court documents and applied their years of professional practice with similar records, as well as other research, to it. They combined these elements and made general comments about the case files of people on death row, using the evidence from the one case they looked at. In this research I have done what they did *and added* the voices of others to take the knowledge further.

Overall, my plan was to examine a case file from the NSW Children's Court for a matter that was completed. Then, I would interview as many people involved in that case as I could. A parent had to be involved and then I wanted to talk to others like caseworkers, magistrate and solicitors. I would only read material that related to the parent who had agreed to participate in the research and I would not do anything that revealed whose case it was or the people who participated in the research. The trouble with the plan was that even if a parent said 'yes' to being involved in the research, the whole thing would stop if enough of the other people didn't say 'yes', too. It might also take a long time to get all of those other people involved. I tried to factor that into my approach but I could not control it.

What I had not planned for were the number of different steps before even getting to the starting line of the research. Most of that was getting permission to do the research; like getting permission from the Court to read their documents and from Family and Community Services to make contact with staff. Some of this you will know, other parts you won't. Without taking too long, I will describe it to you. I have broken the preparation process into five steps and to help keep a track of it all there is a diagram (Figure 7) following the description. After those five steps I will describe the rest of the project.

Step 1 – August 2012

The first step was getting approval and permission to start. The university has a Human Research Ethics Committee (HREC) which reviews all research in which people are the subjects and says whether or not it can go ahead. This is a standard procedure across the whole country. I filled out a form known as a NEAF – a National Ethics Application Form. It is a standard form used in Australia for all people wanting to undertake research with people and who need their research to be checked and accepted by a HREC. When I finished the form it was 25 pages long. In this form I had to write about all of the ways that I would do the research in a way that was honest about what I was doing, was careful about people's privacy and the information I collected and showed how any risks in the research were thought about. If there were risks I had to show how I was going to do things to stop them from happening wherever possible, or show what would be done if they did happen. As an example, I

agreed that I would store the information securely – on a password protected computer and university servers – and also committed to confidentiality for you as participants. That confidentiality meant that only I would have access to the information about participants and that in any writing I did from the research, the names and identifying information about participants would be removed. This information was in the research information sheets I sent you and what we agreed to when you signed on to participate.

I put the NEAF in to the research committee and they suggested some small changes. I made those changes and the research was approved in late 2012. At the same time I was making similar applications to Family and Community Services (FaCS¹⁵) and Baptist Community Services (BCS). I was approaching FaCS because they had to agree that research which included information relating to a child in care could be looked at and also that I would be able to talk to their staff. I had to talk to BCS because they were the agency who could put me in touch with parents who had been through the Children's Court. After I had approval from those two agencies I approached the Children's Court itself because without their approval I would not have been able to read the documents in the court file, nor would I have been able to speak with the magistrate.

Step 2 – May 2013

Step 1 was taking such a long time that I was worried the whole project might not start before I was due to finish the research. For that reason and because the method was so fragile – the research relied on a group of people who were all involved with the one case to participate – I started to worry about getting the research done at all. Therefore, I decided to make a small change to the research approach. I decided to talk to parents from a number of different cases and not talk to the caseworkers or others involved. I thought that would make it easier to get enough participants. This didn't work out, though, as you will see.

Step 3 – June 2013

BCS Lifecare is part of BCS, which is a non-government organisation that provides a lot of different support programs. One of those programs is for parents whose children are in state care. BCS Lifecare agreed to contact parents who had been through their programs and met certain criteria. The criteria were:

¹⁵ Family and Community Services (FaCS) is the government department to which the agency Community Services belongs. These names are often used to mean the same thing but in this thesis FaCS is only used when referring to the Department rather than the agency that does the child protection work; Community Services is used otherwise.

- that the case was finished in the Court (that there was a Final Order in place) and the person was not before the Children's Court for any other matter
- that the person was not Aboriginal or Torres Strait Islander
- that the person involved had access to reliable support if they found the research difficult
- that the person felt that the research would not impact negatively on their relationship with their child(ren).

BCS Lifecare contacted about 10 parents. From the parents they approached, a small number (five) said it would be okay for me to make contact. I called and talked to those people (including you) and sent information. Out of those contacts only one person stayed involved. That was you.

Step 4 – September 2013

Only having one parent agree to be involved left me with a problem. I now didn't have enough people for the new research model – talking to parents only. There was not another group of parents that BCS had access to that fitted the criteria and could be approached to be involved. Therefore, I decided to go back to the original plan. That meant I had to go and get approval again from the University and then check it was still okay with FaCS and the Children's Court to use the original research model. Thankfully, that was an easy process and approval was given quickly.

Step 5 – October 2013

Once I knew I had a main participant (you), and that I would be able to proceed with the research, I read the file at the Children's Court. My only purpose at that point was to find out the names of the workers who had been involved in the matter were. When I had the details of a caseworker, a casework manager, a solicitor, the magistrate and the clinician, I started to make contact with those people to see if they would be involved in the research. To my great relief, I got agreement from almost everyone. Only the clinician did not respond to my request. While I really wanted to include the clinician's perspective in the research, the group that I had was enough to continue.

The diagram on the next page (Figure 7) provides a numbered outline of this five step process.

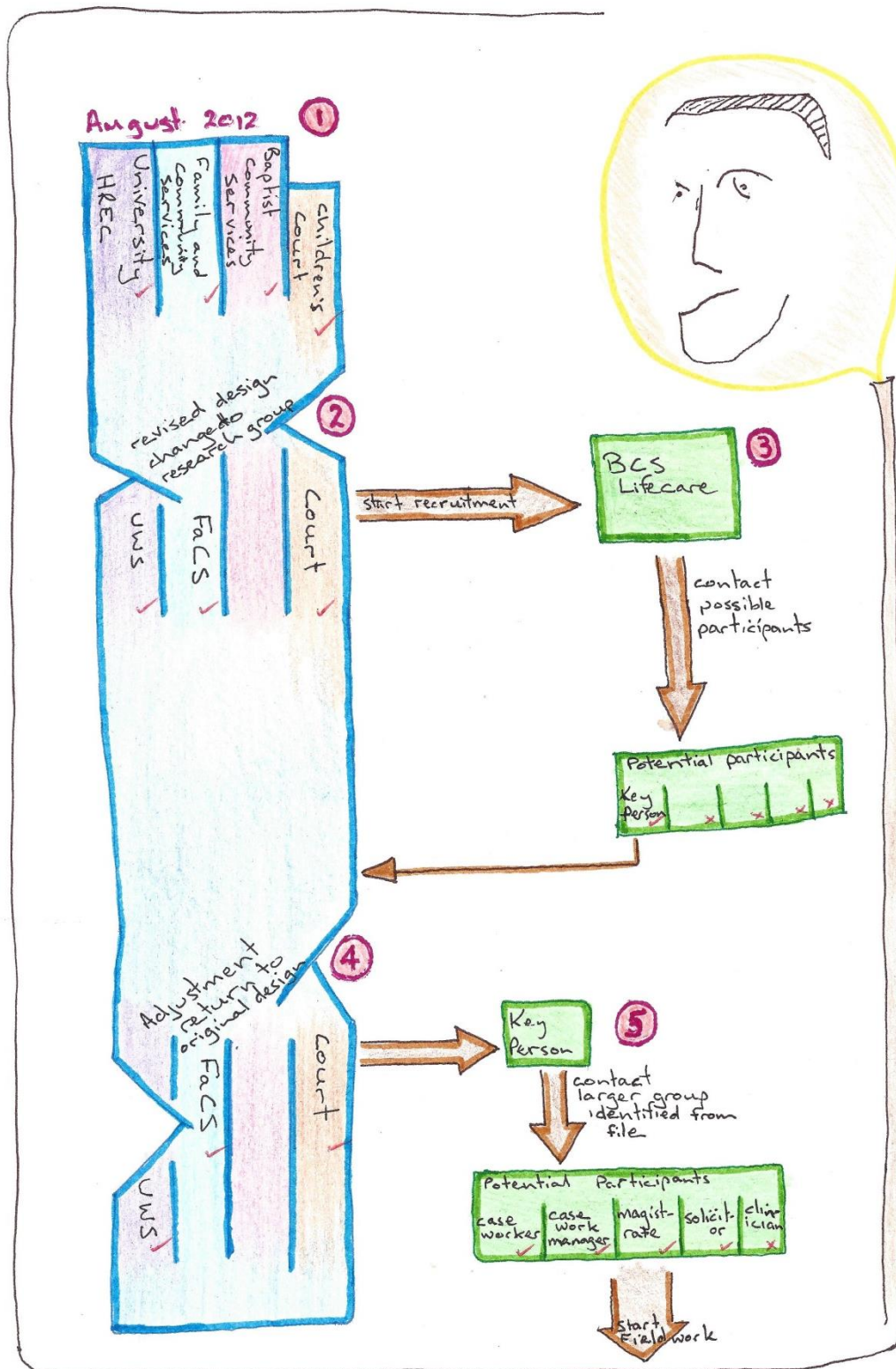


Figure 7: The steps taken to get started

Getting through all the gates

Sometimes I'm amazed this research even happened. My supervisors and I talked a bit about why it was so hard. There were lots of gates I had to go through and lots of people watching the gates, making sure that I was trustworthy and that what I wanted to do was not going to hurt people involved or hurt their organisation. This is like research that was done into a parenting program for fathers in UK prisons (Davies & Peters 2014). The researchers found that just getting to talk to participants involved lots of steps and took a long time. They also found that the people granting permission had things that they wanted to happen – mainly to show their program in a good way or protect their program from being seen badly. These people are the 'gatekeepers'. That term was first used by Kurt Lewin (1947) when he showed that if you wanted to change the food habits in a family you had to think about how the food got to the table (the channels) and the control points or gates it had to go through. He found that the important thing for creating change was to influence the person who had most control over those channels and gates. That person is the gatekeeper. At the time he was writing it was usually the mother.

Writing this I have just remembered that you talked about what it's like to be a man in the court process and the ways that men are seen differently, judged differently and helped less. Is this idea of 'gatekeeping' relevant? People who write about gatekeepers' influence on research, for example Davies and Peters (2014) and Broadhurst et al. (2009) talk about their power to influence the way things happen (or even stop it from happening altogether).

I don't think women *build* the channels or the gates (the people who traditionally have made the laws and policies and signoff on budgets in the Children's Court and in Community Services have traditionally been men), but if they are the *gatekeepers* then maybe that is some of why it is so frustrating to have your path to your children overseen by people who don't understand you, seem not to be sympathetic, and then support a different person for superficial reasons. Maybe women as gatekeepers to men's access to their children is a reason for there being conflict here.

Certainly there have been researchers who have talked about men and women as clients and workers in social services and child protection (see, for example, Featherstone 2006). Some found that mothers are the people made most responsible for children's wellbeing and the ones most blamed when things go wrong (even if it is a father who has created the problems) (for example, Brown 2006; Brown et al. 2009; D'Cruz 2004; Douglas & Walsh 2009; Risley-Curtiss & Heffernan 2003; Scourfield 2001). But, people like Tilbury et al (2007, referencing Featherstone 2006) say that fathers can be allies for children's wellbeing and protection, and in more recent times there is research that has looked at the ways that fathers are treated in the child protection system. In a very interesting piece of research, Susan Strega and her colleagues (2009)

interviewed dads and asked them what it was like to have child protection in their lives. Things the fathers talked about were how all-powerful the system was, though it could be very helpful if you played the game and went along with what it wanted. At other times child welfare¹⁶ was unpredictable – changing what it wanted from one day to the next. What Strega et al didn't examine was the role of women in the child welfare system. Child welfare was presented as a faceless organisation and they did not consider the gender of the people who had to do the work and make the decisions. What you said about this included:

I believe it is pretty biased against men in this whole thing, you know, like we are looked at as the baddies here; because the court's run by females.

the focus was on ... trying to rubbish me and put me down as a male. I mean like even to say in front of the judge when the judge said to me 'how are you going to look after your child?', [I said] 'I guess I'll have to go ... on some type of pension, or my boss is going to give me reduced hours, we've talked about it, and I'll have to send [child] to day-care three days a week'. [The judge said] 'Oh, no, that's not good enough, you're responsible ... aren't you responsible to be working and that; you should be working'. That's what I was told at court. But there was no question about the mother [working] that didn't matter.

Some researchers have talked about child protection services as 'feminised' (employing mostly women) (Icard et al. 2015) and others have presented men's views about child protection services (for example, Cameron, Coady & Hoy 2014; Coady, Hoy & Cameron 2013; Huebner et al. 2008; Icard et al. 2015). Some of what the men said in that research is a lot like what you told me. Men/fathers in Cameron, Coady and Hoy's (2014) study said that mothers were asked what was going on and things were seen from mothers' points of view, but the fathers were never asked. In a different analysis by those same researchers (Coady, Hoy & Cameron 2013) some of the 18 men they interviewed talked about bias against dads in the child protection system and being treated differently from mums. One dad said, "It was all females against, attacking a guy . . . it felt like I was getting, being ganged on They were always right, regardless of what you said" (Coady, Hoy & Cameron 2013: 281). Icard and colleagues (2015) talked to groups of men who had been through child protection. They said things I think you might be able to relate to. For example, when talking about hurdles and negative attitudes, one man said:

¹⁶ This is another name for child protection services, but it is more commonly used in North America, where this research was conducted.

There's so many obstacles in our way and we feel like every time we jump over one, they stand a bigger one in front of you. . . .DHS itself. That's the biggest barrier because you're being judged by people that don't know you, people who have one agenda in mind (Icard et al. 2015: 5).

They talked about fathers not being given the same opportunities as children's mothers – for example "I'm not just a sperm donor, I'm the biological father of my son who is willing ... give me that ball [the chance] in court that you gave her three times" (Icard et al. 2015: 6). And they talked about fathers not having equal access to support services. Finally, in a survey-based study by Huebner et al. (2008) fathers and caseworkers responded to questions about what it was like for men to go through child protection services. Very nearly half of the 339 men who responded to the survey were not happy with the way the child protection agency worked with them. While that might be expected from any child protection involvement, mothers' results from a similar survey showed a much higher level of satisfaction. An extra, unusual and interesting thing happened in that study – more than half of the men sent unrequested letters to the researchers. Almost half of those letters explained the reasons for their dissatisfaction and many asked for help from the researchers to solve problems with the child protection agency. In these letters there was a theme of men feeling the system was set against fathers and that it favoured women/mothers.

Because this issue of gender – men/women differences – in child protection came up a couple of times, I asked everyone about it. There were very different answers. Someone said that fathers were more likely to dispute what was written about them while mothers just want to know what to do to get the kids back. Another person didn't think that it was about either mother or father but that anyone would want to argue against things written about them that they feel are offensive. Men can be more aggressive about their disagreement, one person said. Someone else I spoke to said that disputing things in the documents can distract from the areas where Community Services might have said that the problem could be solved, and the children returned, by doing some simple things. Saying something a little bit closer to what you said (and reflecting the point made by Featherstone (2006)), one person acknowledged this issue of the work all being done by women. They didn't call it a bias, though. That person said

it's a highly female populated workforce ... so maybe females feel easier talking to a worker or will have a different relationship anyway, males generally won't have that

Looking at all of this different information, this is what I think. When I hear the term 'gatekeeper' I think of a person at the edge of an ancient city, or at a castle wall, whose job it is to say 'yes' or 'no' to people who want to come in. I imagine this in times of war, when someone wants to overthrow the king and the gatekeepers trying

to work out whether the person wanting to go through is genuine or faking – whether they come in peace or for war. What about the person who let through the Trojan Horse? I would hate to have been in their sandals. I imagine the modern equivalent at the borders in Palestine. No matter how careful the soldiers at the checkpoint are, sometimes something destructive gets through. Then there's the child protection workers who have got decisions wrong and bad things have happened to kids down the track. I remember being very afraid of being that person. Those are the ways of being a gatekeeper that I think about.

I am left with some questions, though. Is the gatekeeper the first one to get shot at if someone is wrongly (or rightly) shut out of the city? I can imagine they would want a big wall to protect them against that situation. Or, are they the one who gets the blame if something does go wrong? In that case I can imagine being very cautious and being over-protective. Eileen Munro (2011) talked about that as 'defensive practice' in child protection – making decisions because of the possible things that could go wrong rather than taking carefully considered risks. Yes, it's quite a powerful position to be the one saying who gets through and who does not; and quite a dangerous one, too. If that is the case, what does it mean that women are the ones at the gates as workers, while men are equally or more involved, in the background, building the gates and the channels?

People like Davies and Peters (2014) and Broadhurst et al. (2009) have written about the kinds of approvals I had to go through as gatekeeping and exercising power over the research process. For me, I didn't feel that people were exercising power over my research process. I didn't experience it as unreasonable gatekeeping. I would, perhaps, go with Crowhurst's (2013) description, that it is a process of relationships. The reason I got through the gates, I think, was that I had enough technical and cultural knowledge to get through. I could talk the right language and present in the right ways. I also had enough history with the system that I could build trust. Although it was not done in dollars, I had the right currency to pay my way. You told me when we talked that none of the positive things you have done are documented, or, where they are, those things were not seen as valuable. Because of that, you didn't have enough currency to pay the toll at the gate.

I'm sorry for this distraction – going off in another direction when I was describing the research process. But thinking is like that; it doesn't follow a straight line. And talking is like that, too – reading all of the interviews there are no straight lines at all. Coming back to the subject, this research process was a delicate and fragile bubble that had to be blown carefully through narrow straws in order for it to hold, to float and offer its beauty. The research bubble relied on a whole lot of people saying 'yes' to me going ahead and saying 'yes' to being involved. It would have been so easy for key people to

say ‘no’ and the whole thing would have burst. After all those approvals and agreements, I was able to take the next steps.

The next steps – field work and analysis

The next steps were the fieldwork and analysis. If it were like making wine, the fieldwork would be going to the vines, picking the grapes, washing them, pressing them for their juice adding sugar, then yeast, letting it all ferment, transferring to another fermenter, then bottling; tasting the mix at every point. For this project it involved carefully reading and making notes from the court file, talking to the five people who had agreed to be interviewed¹⁷, reviewing the interviews, thinking a lot about what I had read and heard so far, doing a second interview with all participants, looking at themes in the interview transcripts, thinking again and looking at the file data and then writing. Comparing these two processes might look like this.

Steps	Making wine	Making this research
1	picking the grapes, washing them, pressing them for their juice, taste	Sifting through the court file for information only about the key research subject (you); carefully reading and making notes from the court file
2	adding sugar then yeast	interviewing the five people (you and four others) who had agreed to be involved
3	letting it all ferment; taste	reviewing the interviews, thinking a lot about what I had read and heard so far
4	transfer to another fermenter, where it sits for a number of weeks to months; taste	reinterviewing all participants, looking at themes in the interview transcripts, thinking again and looking at the file data; writing all the time
5	siphon into bottles; let it sit for a while longer then drink.	write, then rewrite and write again; ‘publish’.

¹⁷ A sixth person was interviewed as part of this research but I have not included any of the material from that interview. The person was the manager of the agency that supervised the contact visits between you and Isobella. I asked to interview her because I thought that agency would know a lot about writing documents that are going to be put to the court. She said that their reports being presented to court was always in the workers’ minds when writing, but they have a strict job to do – just write the details of what happened; a careful description with no interpretation or analysis. I have not included the material from this interview because the things we talked about were different from the main themes of the other interviews but also because during the interview and when listening to the recording I felt that she was uncomfortable talking and reluctant to answer some of the questions. If I thought the material added information to the main themes I would have contacted her and asked whether she was happy for the material to be included. Because of the nature of the conversation I let it go.

I have created another diagram (Figure 8; below) to show how the research process went. As you will see, it involved going round through the same material a couple of times and always thinking about what I was finding out. In this way, the process of analysis didn't wait till the end but, like tasting the wine, happened all the way through. This is in keeping with the QDA process I described before. It involved soaking in the juices that were pressed from the raw materials. When it came to the writing I had thousands of voices talking noisily to me – the voices from the interviews, the words from the files, the information from other researchers and my own voice that remembers what it is like to write documents and to do that work. Figure 9 is a drawing that gives a general sense of what it is like having all those voices and that information in my head and then trying to bring it together – my analytic collide-a-scope¹⁸.

¹⁸ I talk more about the analysis process in Chapter 3, part 2 and also provide an illustration – Figure 9 – in that chapter.

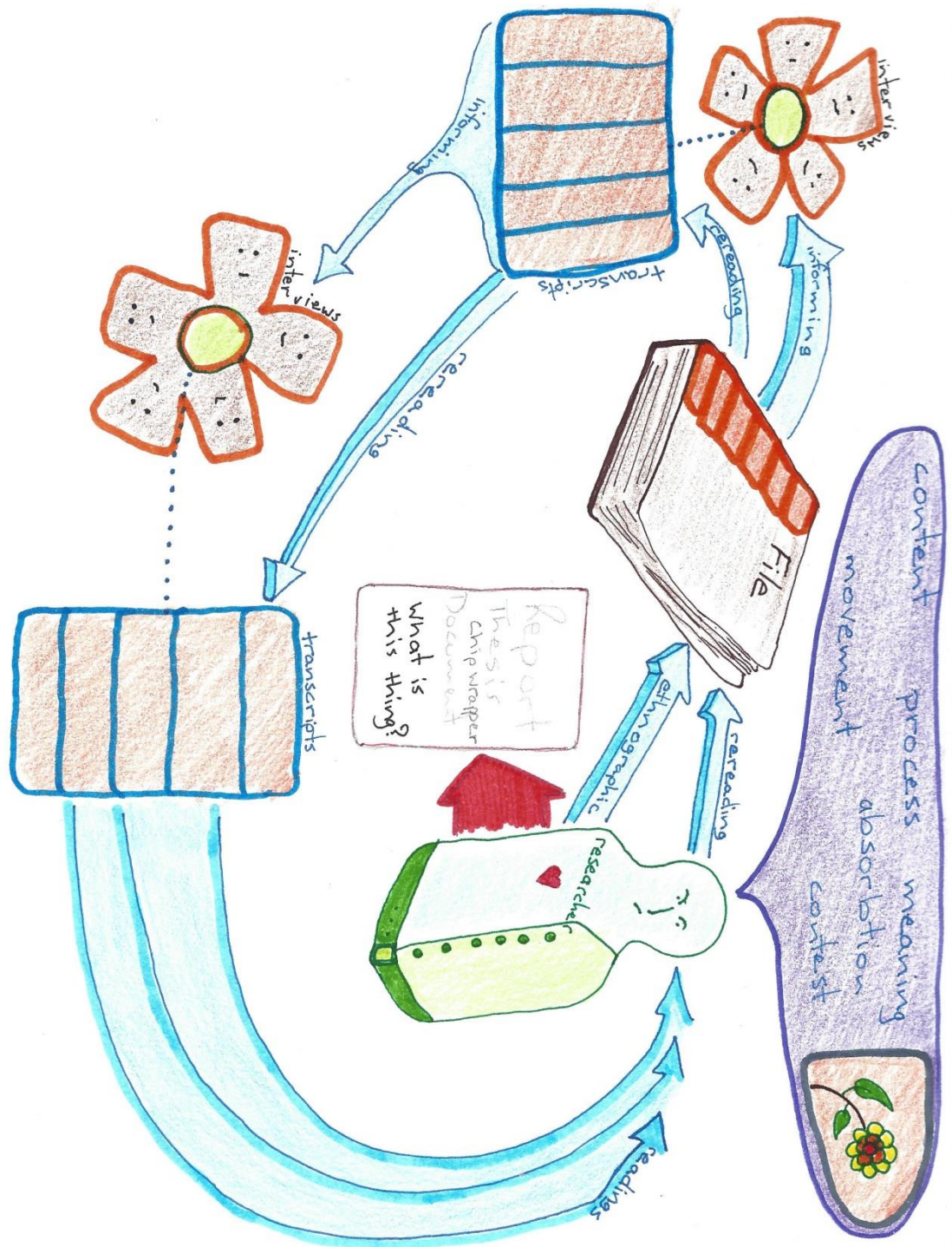


Figure 8: The process of continual revision

Field work and analysis – fuller description

To say that I went to the vines and picked some grapes tells you nothing about what happened. It doesn't say anything about how I selected the grapes, how many kilos I got, or their smell and taste and feeling in my hands. When I say that I pressed them, what tells you how much juice there was, its colour or smell? And so on, all the way through the following steps. The section below provides that information in greater detail for each of the steps in the research process.

Reading the court file

Having your agreement to participate and the other people's too, meant that I could go to the Children's Court and start reading the file properly. I had agreed that I would never take the file away from the Court, so had to go there at a time that wasn't too busy and sit in a small interview room near the front desk to read it. Because I wanted to be able to mark the file – make notes and put my own markers on pages I was interested in – and also because I only wanted the pages that related to you specifically (not the other people in the matter because I didn't have their permission), I took the file apart and made a copy of the 350 or so pages that had material directly or indirectly related to you. That was a long day, I tell you. Those copied pages were what I worked from.

The original file, now closed, was a fairly small one – only about 400 pages; not many pages from my sense of what they can be like after 12 months of work. It was not in a specific order that I could work out. It wasn't in time order – from newest items to oldest or vice-versa – or order of importance (so far as I could tell). The whole bundle of papers was made bigger, though, by your other daughter's court file being joined to this one. It was joined when her mother approached the court to have her returned to her care. When that happened, the old file was brought up from the vault and joined to this one. All those old words were seeing the light of day again.

I can't work out if documents are alive or not. They can't generate their own energy, or do anything without being activated by something outside themselves, but neither can a tree grow without light or nutrients, or a person live without food or water. But while I can't say they are alive, I am willing to say that they are never dead. Like the file from your first child's court case, or the health and police records, that were brought back to life during the court case we are looking at now, documents are not *always* doing stuff. They have times when they are part of what is going on, really making a difference, and times when they are still. Once they exist, though, they **might** be influential at any time. That is particularly the case since we have become so good at storing and filing or archiving things; it's talked about as warehousing in some situations. Maybe rather than being dead or alive, they are active or dormant – being used or sitting on a shelf, waiting. I don't know if you are into nature, but there's a

pretty amazing frog in Australia. It lives in the dry heart of our country where water is absent for months or even years at a time. In these places, buried beneath the baked surface, protected and unseen, 'water-holding frogs' might be waiting. The frogs are active when the ground is wet and there are temporary pools of water. As the environment starts to dry they burrow into the mud, shed outer layers of skin to form a protective cocoon that stops their moisture loss. Then they wait while the ground dries and hardens. From the surface you would not know they are there. When rain comes – deep, soaking, drenching rain – they emerge from their burrow to reproduce and feed and the cycle continues (Cogger 2014). Maybe documents are like this – active when conditions are right, buried and dormant at other times, able to come back to the surface if needed.

When I read the file I was looking for particular things. First I was looking at what was written – what information was seen as important, how danger and/or harm was shown and what story of you and your life was being told. I wondered who was doing the most writing and what information was used to support the case being made. I looked at the purpose of each document and at how important other documents were. I took notes about every section that directly or indirectly referred to you and put all of this information into a simple excel spreadsheet. I used this as a way to start thinking about the documents. After I describe the interviews (next), I will show what I found in the documents.

Interviews

From the very start I planned to do two interviews with each person who agreed to be involved. These interviews would be conversations about the specific court documents I had looked at as well as about court documents in general. For the first interview I had a long list of questions. These came from the reading I had been doing and the experiences I had when I used to work for Community Services. For the second interview I wanted participants to be able to think back on what they had said and change it if they needed to or add new information. I also wanted to be able to ask about things that other people had said in their first interviews; to check out what people had told me and get everyone's point of view about that topic. If you remember, this is roughly what I wrote in the information sheets about the research. I sent similar information to everyone who was going to be involved.

Like many researchers before me I think a lot about why and how we do interviews. Some argue that interviews are used everywhere and automatically in the belief that only interviews get good information about how people think and feel (Fontana & Frey 2005). Some argue that we should think carefully about the information that interviews can provide and whether it most effectively answers the research problem (see, for example, Silverman 2009). Silverman particularly argues that the expectation

that an interview is somehow going to get the 'truth' about a situation or someone's view on a topic is misguided. He suggests that in interviews we get more information about how someone creates versions of events than about the person or the events themselves. Schostak (2006), on the other hand, wrote about interviews as a situation where two people turning their attention towards each other, both allowing themselves to be influenced by the other person. He saw interviews as a process of listening and telling that might lead to change. Caroline Mears (2009) used 'in-depth' interviewing as a research method with people who had children in the Columbine school massacre in the US in 1999. She wanted people to be able to tell their story of the "changes the tragedy brought to the day to day life of families" (p2) so that others could learn from it and ensure that if any similar tragedy were to occur again people might have some ideas about what to expect and how to respond (Mears 2009). Part of her approach was to be very thoughtful about how she listened and how she provided opportunities for people to tell their own version of events without enforcing her ideas through intrusive questions. Her approach was shaped by a general ethic that said "you are, in fact, a guest in the narrator's world, one who is asking for help in learning about a community of experience" (Mears 2009: 100). That way of seeing an interview makes sense to me – I felt like you and the other participants were helping me to learn about court documents.

I also agree with Sharlene Hesse-Biber (2014), that interviews are places where power associated with roles and social status make a difference to how things happen. She says that often the person interviewing has a certain authority in the interview and a power to shape how things go and power over how the person being interviewed is shown to the world. I am less sure, though, how much I can be aware of these things or how much I can level the playing field as she claims she does. Like Schostak (2006), I consider that both the researcher/interviewer and interviewee have power in the interview, though they are of different types and can have very different effects – for example, you have the power over what story you do or don't tell; I have power over the way the interview gets shown to the world. I also think that while I try as hard as I can to be careful about power, I will have things I don't even see I am doing and things I mistakenly do that uses power in a negative way.

As you will see from the list below, I took lots of questions into the interviews. I used them as a guide but did not stick to them like a script. This is talked about as 'semi-structured interviewing' and is a very common method in social science (Bryman 2012). It is half way between a scripted interview where every person is asked the same questions in the same ways and with limited options for answering, and a completely open interview which might start with a prompt and then be allowed to go wherever it wants from there (Fontana & Frey 2005; Hesse-Biber 2014). In semi-structured interviewing, the questions act as a guide and a reminder for topics the interviewer really wants to ask about (Hesse-Biber 2014). At the same time, the

approach allows the interview to wander so the person being interviewed gets to say what is most important to them. In a small way, this approach is intended to challenge power imbalance in the interview – to unsettle the ways that some interviews can become interrogations. It also says that the things the interviewer wants to know do not matter more than what the person being interviewed wants to tell; it allows space for unexpected topics to be included. When I look back on all the interviews/conversations for this research there are things people said that I would never have thought to ask about and a scripted interview would not have given space for. This approach suited the purpose very well.

The lists of interview questions below are different because I believed that each person had a slightly different experience of the documents and, therefore, could tell me slightly different things. These differences were based on the different roles that people have. For example, Cara (in her role as a caseworker) is mainly a writer of documents while Margaret (in her role as a magistrate) is more a reader of them. This lead me to think that they would have different knowledge of documents and different questions would be appropriate.

Key questions I took into the interview with you as a parent in this situation were:

General introductory question: *what made you interested in being involved in this research?*

Main research questions

1. *I'm assuming that when the court process started, and then as it went along, you were given bunches of documents that different people were presenting at court. Is that how it was?*
2. *What do you remember most about the documents?*
3. *Is there anything that was written in the documents that you really remember?*
4. *Why do you remember that?*
5. *What things do these documents say about you?*
6. *What things do they not say about you?*
7. *What things about your life do they focus on?*
8. *What things about your life do they not talk about?*
9. *Is there anything different that could have been written there?*
10. *I only saw one document from you, is that all you presented?*
11. *I saw the letters and things you put forward to the court, and a couple of things from case conferences; how did you have copies of those, and why did you put those forward?*
12. *What did you want the documents to say to the court?*

13. *How much did the documents say what you wanted, and how much advice was given about what should be written?*
14. *Who else has seen the court documents? (other services or other people)*
15. *How did you respond to the things that were written in the documents?*
16. *Would you say that the court documents had any effect on you?*
17. *How did the documents affect you? [seek expansion on the response here]*
18. *How did the documents affect how you feel about yourself?*
19. *How did the documents affect other people's responses to you?*

You might not remember this about the interview but I certainly did not ask all of these questions; either they were already answered as we talked or the conversation went in a different direction and they no longer seemed important. That is the way this kind of interview is intended to work.

To show how I approached a different interview, the key questions I took when talking with Cara were:

General introductory question: *what made you willing to participate in this research?*

Main research questions:

1. *What do you remember about your involvement in the development of this set of court documents?*
2. *What information sources were drawn upon in their development?*
3. *What was the process of working out what the documents should say?*
4. *Who else was involved; what type and what level of involvement did they have?*
5. *Would you liked to have written anything else, or written anything differently?*
6. *What?*
7. *Did it make any difference that these were for the court? What would have been different if you were writing for a different purpose (like a referral for a support service)?*
8. *What effect did these documents have on you? [seek expansion on the response here]*
9. *How did you respond to these effects?*
10. *Has it made any difference to your ongoing work?*

Again, I didn't necessarily ask all of these questions.

The interviews I did were of different lengths, mostly influenced by the time that each person had available. One went for about 40 minutes, another went for about an hour and a half, while the others were somewhere in-between. All of the interviews were recorded on that little digital recorder I used when talking with you.

After the first interviews were finished I listened to them and thought about things I wanted to ask in the second set of interviews. As an example of that, differences between men and women's experience and approach to court was mentioned by a couple of people I spoke with. It seemed important so I made sure I asked everyone about that. Another theme I wanted to follow up in the second interview was whether documents play a role in child protection's 'regulation of parenting' (see, for example, Braithwaite, Harris & Ivec 2009; Cashmore 2009b; Harris 2011; Harris, Braithwaite & Ivec 2009).

After the second interviews all of the recordings were sent away to a company whose business is to type out all of the recorded material. They sent that back to me as documents (transcripts) – one for every interview. Those transcripts are the material I have mainly been working from to write about the interviews. I have gone back to re-listen to the recordings to make sure that what is on the page is what was said. When I do that, when I listen as well as read, I get a different experience of the interview. It is a bit like being back in the conversation; it adds another dimension that just reading can't provide.

The interviews gave me a completely different perspective on my research and shaped the way I have thought about my questions. When the material is analysed later in this document you will see that it does not follow these questions at all. To think about this through the metaphor of a journey, the questions started me travelling but did not set the destination; I had a rough idea of where I was going but had not set the point I was going to get to. All of the data – the life experiences, the academic reading I have done, the case file information and the things that you and others said – carried this research to a place I couldn't see at the start. As I see it, the conversations/interviews helped to shape my research and weren't just used to fill in the gaps from a recipe that I had mostly prepared earlier. It might be a bit like the difference between preparing food in a factory and something made by a chef.

Lately, we've been buying presents for friends from a guy who hand makes chocolates. He's trained as a chef and has been making chocolates for years and years. When he wants to make a new product he has an idea of the flavour he wants to end up with and will slowly start adding essences – mostly natural oils – to the chocolate. Then he tastes it and works out if it needs more of one thing or another. He stops when he's happy with the flavour and thinks others (customers) will like it. What's interesting to me about this is that he never writes a recipe – never puts on paper how many drops of essence to how many kilos of chocolate. It is all done batch by batch, based on

taste. He uses his technical skill to know how to work with chocolate and how it will react to different flavours. He also knows that every batch will be different based on the different ingredients involved and even the weather of the day it is made. He might have used those same ingredients before but every batch of different raw ingredients is unique. The ingredients influence how the chocolate turns out as much as his intentions and skills do. Research can be like that, too.

When I sat down with the material from the court file and with the transcripts of the interviews, I thought about how they answered the questions that I came with. At the same time, I was listening for what they were telling me, even if that might be different from my questions. Because of that, the material below (and in the next chapter) that analyses the court documents and talks about the interviews walks a different track from the one that has been mapped out by the information so far. To my mind, being influenced by the material and not making it just fit to my starting ideas is a vital part of the research project. Research is a process of learning through deliberate investigation. For some researchers, that investigation must be highly structured and controlled. For other research, such as this project, the investigation is focused but less structured and less controlled. It is about what can be discovered on the journey through bringing together a wide range of information and continually asking ‘what is this telling me?’, ‘what does this mean?’ and, ‘what difference does this make?’

The next section presents information about court documents, your experience, some thoughts that I have had and other things that come up on the way. Our conversations have been a big part of building this information but other interviews and other reading has made a difference, too.

The court documents – creating stories about people

I don’t know if you get much of a chance to read stories to your daughters when you see them, or maybe watch movies together. If you do you will probably have noticed that there are generally similar features from one story to the next. For a start, they have characters, they have a time and place that they are set, they have a plot (the overall story) and they have action/events (the things that happen that move the plot along). Stories also have a person telling the story (the narrator) and a viewpoint it is being told from. It is often the narrator and the point of view that creates the way that one story feels different from another. These are important parts of the way the story is told – its ‘narrative discourse’ according to Porter Abbott (2008). Narrative discourse is the effect of choices made by the author; there is no one way to tell any story. Writers and movie-makers also have an audience in mind when they are making their

work, and that imagined audience shapes their creations. All of these different elements are talked about as parts of narrative (see, for example, Baldwin 2013; Combs & Freedman 2012; Porter Abbott 2008; Rimmon-Kenan 2002). Narrative has been talked about in different ways since Aristotle wrote a book called “Poetics”, 350 years before the birth of Christ. Summing up key ideas about making stories Baldwin (2013: 8-9) says:

Stories do not just happen, they are made. Events are selected for inclusion, arranged in a particular order according to the purpose of the text, given meaning or causal relationships, organised into patterns or made to stand independently and recounted in particular language ... The exact configuration of these processes is a choice made by the author, with the intended readership in mind.

Amazingly, this comment here is very similar to what an academic said about how researchers write. She said that writing is a creative process and involves choices; “We decide, for example, what to include/exclude, what to emphasise, how to write and to whom” (Horsfall 2009: 244). This statement invites us to think about this thesis I am writing also in terms of narrative.

Because of my interest in narrative (as I described earlier), I came to think a lot about it as this research progressed. I began to wonder whether court documents have the elements of narrative and whether they can be thought about as stories. If that’s the case, I wondered, how were those stories made; what versions of events and versions of people’s lives were created and shared with the court? What made one document win over another in the court case? These seemed like important questions to me. At the same time, I wasn’t interested in looking for which story was ‘right’ and which was ‘wrong’ in what had been written for the court. I wanted to learn about the process and the effects of making court documents, rather than judge the end result. Maybe that was because I could imagine someone doing that to the court documents I had written – pulling them apart and pointing out all of the ways in which they were wrong or biased or ill-informed.

Relating to these kinds of questions, there was some research done recently in England that looked at coronial files of people whose deaths had been identified as suicide (Fincham et al. 2011). These files are created in the process of coronial inquests to establish the cause of a person’s death. The files include numerous pieces of evidence from a range of different sources, some of which were produced for the inquest (medical and psychiatric reports, for example) and some of which were already existing (suicide notes and photos of the corpse, for example). The researchers looked for what the files could teach us about people’s lives when they are feeling suicidal, as well as looking for how the stories of those people were created in the files. The researchers found that these files did build/construct particular, and

sometimes competing, versions of people's lives and their circumstances. They found that there was not one single story of the person's life, but different versions depending on who was doing the telling. Also, in telling their version of the story, the teller was doing as much to construct their own identity as they were doing to tell a story of what happened to the person who had died. One example of this is that doctors who provided a report to an inquest were showing that they had acted as a doctor should and there was nothing more they could have done to help the person who had died, as much as they were telling about the dead person's medical situation. One of the findings from this research is that the author of a document is securing their own identity as much as they are shaping an identity for their patient. This would seem to be relevant to other professionals writing documents and is an idea that others, such as White and Epston (1990) and White (1997), have talked about. I wondered if this is something that could be relevant to court documents.

Narratives are made up of a small number of parts that have complex interactions and enormous effects. According to Jane Elliott (2005) we can think of a narrative as arranging a series of actions or events that happen over time into a bigger story. Through that arrangement each action or event becomes meaningful. Her way of saying it is that a narrative "can be understood to organize a sequence of events into a whole so that the significance of each event can be understood through its relation to that whole" (2005: 3). For Clive Baldwin "the order and layout of facts and information has a critical effect on the reader" (2013: 14). Rimmon-Kenan (2002) says the same thing in another way: that 'narrative fiction' is a cloth woven from many elements - the different threads of story (the succession of events and characters in the narrative), the text (the physical or verbal product that contains the story) and narration (the "act or process" of producing the text that contains the story), with each relying on the other and together creating their overall strength. Like others, she points out that the ways events are organised in relation to each other in a story creates a sense of causality - what makes things happen and what makes people do things. In addition, Elliott (2005) argues that the real or perceived audience of the narrative is important to how the story is told. According to Urek (2005), a narrative/story does not mean anything until it is read or heard or seen and then the reader or the watcher creates their sense of what the narrative means and why the things in the story happen. Because of this, the audience really matters. At the same time, a skilful author has a greater chance than an unskilled author, of having their story accepted (or believed or enjoyed) by the audience. This is due to the effectiveness of their narrative rhetoric (Baldwin 2013). Hall's (1997: 6) way of saying this is: "Stories persuade, surprise and entertain and in the process, the authority of the story-teller is constituted".

While Rimmon-Kenan's focus is narrative fiction (as opposed to non-fiction works) she also acknowledges that "some of the procedures used in the analysis of fiction may be

applied to texts conventionally defined as ‘non-fiction’” (2002: 3). This idea is much more directly accepted by Porter Abbott (2008) who includes non-fiction in his book *The Cambridge Introduction to Narrative*. Interestingly, his book has a chapter that discusses court cases where, he argues, narratives are pitted against each other to be the ones that influence the jury or judge the most. Extending the previous two examples, Urek (2005) argues that social workers are story tellers and Clive Baldwin (2013) approaches all social work communication through ideas of narrative. To make all of this information mean something, I would like to start to write about the court documents I looked at, starting with the Initiating Affidavit.

A matter in the New South Wales Children’s Court is begun with the Care Application and Initiating Affidavit. Like other sorts of administrative applications (as opposed to ‘apps’ on your telephone), the Care Application is a request for something – in this case, for the Children’s Court to make an order for the Care and Protection of a child – and is a form that must be filled in. If the court documents tell a story, these are its first pages. The Initiating Affidavit is a sworn or affirmed statement of facts supporting the application. These two documents, submitted as one, give snapshots of information under a series of headings. The headings are set by the court. The details provided under these headings give the court specific information it wants. First it wants to know that there is a child, who the child’s parents are, important relationships s/he has and if there are any family cultural aspects that need to be taken into account – for example, is s/he of Aboriginal or Torres Strait Islander¹⁹ descent? Therefore, this is a process of introducing the Court to the main characters and their relationships. The application also asks for the name of the caseworker (another character) and his/her length of involvement with the family, as well as information about the thing that happened to make Community Services apply for a court order. Then, a history of reports to Community Services and the agency’s actions is presented. Here we have events or actions which are important to the story that will follow. If all this information is not put forward in this way, the Court will not be interested in hearing the story at all. The Care Application also sets the scene for a longer story to be told – the story of a child and the harm or need or care they have experienced; the story of parents and change or no change; the story of Community Services and that agency’s actions with the family over time. There is a bigger purpose (a narrative frame) to telling these stories – to answer the questions, ‘who is this child, what has their life been like and what do they need?’ ‘who can best provide for this child’s care and protection?’ and ‘does it need to be based on a legal order?’ The

¹⁹ Aboriginal and Torres Strait Islander people are Indigenous to Australia. They were colonised and dispossessed by white (specifically, British) colonisation from 1788 onwards. Contemporary child protection systems are significantly more likely to intrude into the lives of Indigenous than non-Indigenous families as shown by the disproportionately high rates of Indigenous children being placed in substitute care. Specifically, Indigenous children experience child protection intervention seven times more often than non-Indigenous children and they are nine times more likely to be placed in substitute care (AIHW 2015).

smaller stories (micro-narratives) that are told all through the court process, serve to answer these bigger questions. They are told through a series of documents, each with a different style, different voice and different purpose.

When I sat down with the documents I saw lots and lots of different micro-stories told in relation to the framing narrative. The micro-stories were told by Community Services as events, but they also incorporated themes from the larger narrative. One of the topics in the court documents was drug use. One way that events relating to drug use were presented was by listing previous reports to Community Services in which drug use was the reported issue. These, plus records from health services and the police, created a strong story that drugs had been part of your life and affected your parenting. You didn't dispute that when we sat down together and talked – you did dispute that the information was up to date, though.

There was another thread of story relating to possible drug use; it was the only thing about the present, rather than the past. During the court process you were sent for random drug screens but were unable to do them. This was noted in the affidavit. This didn't prove anything further about drug use, but did keep the possibility alive and linked with a theme that was developing about being unreliable, not compliant and maybe untrustworthy. Although you disputed this when we talked, because no alternative story was presented to the court – maybe a story about you not using drugs – seemed to mean that the one that had been presented survived. What makes this particularly important is that these micro-stories of past drug use and possible current use and themes of being unreliable, linked with the overall argument that Community Services put to the Court. It was all brought together in the Care Plan²⁰. The Care Plan stated that "Community Service's best predictor of future parenting patterns for [mother] and [father] is their past parenting". As you hadn't presented the court with a strong story of change, the old story won out.

There was another story that caught my attention when I sat down with the documents. There was a very clear and consistent story about your involvement with your children and a picture of you and your daughter's attachment to each other. From the first document you were identified as providing care to your daughter every weekend. There weren't any risk of harm reports during the time she was in your care. Reports that were written about your contact visits with your daughter and the report that was written by the Court Clinician provided a clear account of attachment. The short affidavit you provided to the court at the end of the 12 months of proceedings had a letter annexed to it that also described your parenting and attachment. I found myself wondering why this story did not become more influential in decisions that

²⁰ The Care Plan is discussed in Chapter 3, Part 2. Briefly, though, the Care Plan sets out what Community Services proposes for the care and protection of the child who is subject to the court proceedings, a statement about who can best provide that care and the reasons for the conclusions that have been made about the child's needs and who the most appropriate carers are considered to be.

were made by the court, especially given Community Services own documents that argue for how important attachment is. For example, there is a Community Services research report that describes the importance of attachment and says that secure attachment develops from consistent and responsive parenting (Centre for Parenting and Research 2006). That report says: “Children are better able to cope with traumatic experiences when their earlier experiences are of being safe and protected” and “The more secure the child feels the more energy and enthusiasm they have to be curious, to learn, to seek understanding and to try to make sense of the world” (Centre for Parenting and Research 2006: 2). This seems to say a lot for how important attachment is seen to be. But, nothing was put to the court to argue the importance of that story. When strong and positive attachment was identified and shown to the court in the Children’s Court Clinician’s report it was beaten back by a bigger story which carried more weight – parenting capacity. There is Community Services research that says attachment is not enough to determine sufficient ‘parenting capacity’ even though it has been sometimes used that way (White 2005). This might be why attachment didn’t have a bigger influence in the court case.

I’m not sure if you remember, or if it even caught your attention, but a Community Services research document about parenting capacity was used to help make the overall argument in your court documents. Specifically, it was used in the Care Plan – the document where Community Services says what it believes is needed for the care and protection of your daughter and also puts forward the reasons that you were not considered a suitable placement option. Specifically, what was written was:

“Research to Practice Notes located on the Community Service's (sic) intranet conclude 'Parenting capacity refers to parents' ability to nurture their children, protect them from risk and enhance their developmental experiences'. [Mother] and [father] have not yet demonstrated they have the parenting capacity to nurture, protect or enhance [child's] developmental experiences given the current issues of concerns (sic) outlined above”.

Like I said, these were some of the things I was interested in when thinking about the documents and when sitting down with you for the interviews. When I read the transcript of our conversations, I saw a little bit you said in response to the story of your life that the documents told – like when I asked

1 *what version of your life they did tell and what version of your life they missed, or didn’t tell?”*

You said

1 *"they've pretty much put me down as ... in there by myself, I've got no parental back-up".*


You didn't say more than that on this topic, which was interesting to me because I read much more of a story about you as a person within the documents. By my reading, the documents set out a lot about you as a parent, a partner and a community member – not much of it was positive. There seemed, though, to be things that were much more important to you than this idea of life stories. Because this research is trying to be guided by what is important to you, rather than by my academic fascinations, the next section is about what I heard in our conversations and saw in the transcripts.

When I read the transcript of our conversation, there seemed to be some things that mattered more to you than the stories contained within (or created by) the documents. If I had to pick a little bit of our talking that seemed to sum up what you were feeling strongest about, it would be from the very beginning of our first conversation. When we first sat down, you said that the court documents are a record that will be around forever; your daughters might read the documents one day and that might lead them to ask questions about what had happened in the past. You said those questions shouldn't need to be asked because the documents were wrong, but the people who wrote them wouldn't correct the mistakes. Every time I read the transcript that stands out as a very strong message. Your words for this were:


1 *They're there forever these documents, do you know what I mean? My daughters ... when they're older they're going to be able to read these documents, and they're not correct.*

... that sort of is something that has affected me, you know, they're not correct and they weren't willing to change it even though they knew they weren't correct. And now my daughters are going to read that when they're older.

And then you said that the documents – the pieces of paper – won't shape your daughters' views entirely because they will ask you about it and you have other documents – letters, for example – that show a different story. You said:



They're going to make their own minds up as they go; I doubt... ...a piece of paper's going to really... it will hold a bit of... they're going to read that and, you know, they'll be shocked at the start of it, you know, but they'll probably want to ask questions, you know, whereas these things shouldn't even have to be asked, ... it's just creating trouble that didn't even ... have to be created



...because as I said in twenty... you know in ten years or whatever time [my daughter's] going to read these documents, you know, and she's going to sit there and go 'Dad, what's going on?' you know, like... and I'm going to have to sit there with her and go 'well, look, darling, you read these ones here, I was alright; it was just this lady ... had a real dig at me'.

There are some different things I think are directly suggested by this part of our conversation and a range of other things that link to it, though they are less obvious first up. It's about the future through documents, it's about who has the ability and the responsibility to make documents correct, it's about which documents get included and which don't and it's about effects. These different ideas developed more and more as we talked; they are things I will describe below.

The first thing I think you are saying is that documents can complicate the future, but they don't rule it. They might lead your daughter to wonder about you and your past, but she will look to you for the answers. What will speak to her more loudly than the words in those court documents is the knowledge that comes from her relationship with you over time. There are also some other documents (the letters you have, for example) that provide a different story. The question I would ask if we were to talk again about this, is whether documents become more powerful when the person involved can't be asked about what was written – if you weren't there for your daughters to talk to, would they be more likely to assume the documents were correct? If that *is* the case, what must it be like for parents and children who don't have the contact that you have? In that situation, whose versions of the past get believed and passed on?

Following from that question, I wondered whether, in court and/or in the future, we end up with a contest between documents and people – between the written and the spoken – in a battle to set out what will be believed. Which of the two is more reliable? Reading through the transcript of our interview I wondered if your answer would be something like this: if the judge had been able to talk to you “like a real person”, things could have been worked out; the magistrate would straight away have been able to tell what kind of person you are. You talked about the criminal court, where things are worked out differently.



I've been to criminal court ... and I've got up and spoken to [the judge] and he's turned around and he's spoken back to me like a real person and he sort of come to an agreement with me ... it was the way it should have been. ... and that judge straight away knew my personality ... I got up there, and I stood up for myself ... that's what I would have rather to do at the Children's Court but you don't get a chance at all.

You don't get that chance at all because the Children's Court runs entirely on documents. That situation opens up a whole new set of questions. An obvious question is, 'what if one person can't write as well as another person?' Doesn't that make the process immediately unequal? I am going to come to these questions, but not for a while yet – see Chapter 3, Part 3 for that discussion.

When I set out on this research there were a number of ideas that guided my approach. As you know, I thought a lot about the qualities of documents. The fantastic value in talking with you (and others) is that you provided ideas that I wasn't prepared for and talked about things I had to think differently about. The next section starts with ideas I was familiar with and then moves into ideas I came across after our talking. It is all about the power of people and writing.

Regulation of parenting

There is some theory around at the moment, recently published in Australia, which is about child protection's role in shaping or controlling the ways that people parent. The authors I am thinking about, like Braithwaite, Harris and Ivec (2009), suggest that by offering opportunities, guiding action and intervening in some families, the government acts as though it knows what is in the best interests of children better than parents and "in effect, regulates parenting" (p12). Part of Braithwaite, Harris and Ivec's (2009) overall argument is that it should be accepted that governments are involved in regulating parenting – it's just the way things are. But, if the principles of this regulation are not talked about and agreed on by the community, we will continue to have a frustrating and frustrated child protection system. I had come across this idea before we met and so asked whether you thought child protection court documents play a part in this process (I also asked the other people I met the same question). At first I didn't think you really answered this question. But, when I looked over the transcript of what you said I see there is more on this topic than I realised. You talked about how child protection removes children rather than helping parents. The parents might have another child in the hope that if they do better with that child the other will be returned to their care; the child who was removed gets placed in foster care and forgotten about by them. You said



Yeah, they've just put this kid in foster care and it's solved ... just throw money at the foster parents and "you guys deal with that now"

I think you were saying that in all of this, nothing changes and no one ends up any better off. You said "we should be a bit more focused on keeping these families together not just ripping them apart". At the same time, you did say that there are some times when kids have to be removed from parents who are "really, really bad".

Those same authors, Harris, Braithwaite and Ivec (2009), wrote another article about how a better child protection system might work. They don't think the whole system should be thrown out the window. Like you, they suggest that there are going to be some times that child protection services really have to step in – maybe remove a child and place them with someone else – to make them safe. What they also suggest is that there should be greater emphasis on less formal interventions – more helping and working for change. Much of what they say is that the child protection approach as it stands decides its intervention based on whether parents are assessed as being a risk to their children. What it should be, according to these authors, is a system based on how the parents respond when the problems are pointed out. If they say 'yes, we have issues' and 'we will work with you to solve them' then the intervention is focused on improving things for the children by helping the parents. If the parents don't accept and work with child protection services then maybe stronger intervention is needed²¹. One of the questions that Braithwaite, Harris and Ivec (2009) ask is, 'who decides when more intervention is needed?' That brings me to some other ways of thinking about the question of documents prompted by what you said.

Professional-managerial class

I don't know whether you think in terms of social class at all. It was certainly not a term you used when we were talking. And yet, as I read the transcripts of our conversation, I think I saw something about class that has been talked about over the past 35 years – the idea that there is a group of people (growing in number and power) who use written and spoken language to make themselves distinct from, and superior to, others and set a moral agenda (Greig, Lewins & White 2003). In different circumstances this group was described as the "professional-managerial class"; an idea started by Barbara and John Ehrenreich (1979). This idea was used in the late seventies to try to describe changing social situations in consumer capitalist societies (places like America and Australia which are focused on buying and selling stuff as the main way that work and consumption and progress occur) that happened through the

²¹ Something these authors didn't talk about is what should happen if child protection services get their assessment wrong. If the response that gets rewarded is agreement and compliance, what should happen in the situation of a parent's disagreement or protest?

1900s. [I would have to include myself in this new class based on education level, work that I do and some of the ideas that I agree with.]

The classical Marxist picture of society was of a class of people who owned the means of production (the upper class or bourgeoisie) and those who worked for them (the lower class or proletariat). Marx also recognised a third group, the petit-bourgeoisie, which did not fit into either of these two camps but were in the middle – always in danger of being brought into the proletariat but continually trying to escape that situation (Ehrenreich & Ehrenreich 1979). This group developed through the twentieth century; they were the people who were paid to keep the factories and institutions running smoothly (managers) as well as those professionals whose job it was to maintain and reproduce social order, including teachers, nurses, social workers, lawyers, etc. (Ehrenreich & Ehrenreich 1979, 2013). One thing that the Ehrenreichs point out is that much of the professional managerial class believed in, and worked to create, a fairer society – challenging racism, sexism and other forms of discrimination. However, despite their belief in serving others (especially those of the lower classes), they also tried to create society to reflect their own values of proper behaviour such as “thrift, sobriety, self-discipline, order, hygiene, work, responsible patriarchy, and empathy” (Vaughan 2012: 223). Greig, Lewins and White (2003) write that this group of ‘new elites’ has a lot of social influence because of their position in media, the public service, educational settings and churches. According to Greig, Lewins and White (2003), new elites have created a view of equality which is based on non-discrimination, tolerance, environmentalism and improved social welfare. This is the foundation for political correctness. All together this is a process that separates intellectuals from both the upper and lower classes. Language use is a powerful tool among the new elites (the professional-managerial class) and is used to show who belongs and who does not (Greig, Lewins & White 2003). It is also used to shape the lives of others as Foucault described in the book I mentioned earlier, *Discipline and Punish* (Foucault 1991 [1977]). There is no reason to think that this use of language to divide and manage doesn’t include writing as much as talking. Going through some of the things that you said in our conversations, I think it is reasonable to bring this kind of analysis to child protection court documents.

Getting to speak

First, let’s look at what you said about language. You said, if I am right saying it this way, at court you didn’t get to speak to the magistrate and ask the questions you would have liked to have asked. The talking that did go on was pretty much in a foreign language – “court talk”. You said:

I didn't get a chance to speak ... I was just sat there and all these terms ... I didn't know where I was at. ... there was so much court talk if that's what it is, you know, like not plain English, all court talk and ... I just sat there like a dummy

This problem of parents and children not understanding court processes, especially when magistrates don't have time to explain or the parents don't have proper legal support and/or good literacy levels, was noted by Fernandez et al. (2013). It is a very important problem given that child protection services are most heavily involved in the lives of people without commonly recognised and valued social resources (such as income and education). That's what people like McConnell and Llewellyn (2005), Walsh and Douglas (2009) and Wood (2008) all say. Adding to this inequality, Fernandez et al. (2013) noted that many parents aren't given legal representation through the Legal Aid²² service because they don't meet the criteria. This describes your circumstance very well. Because you worked you were not eligible for Legal Aid. At the same time, you didn't have the money to pay for a solicitor and you didn't have the specialist literacy skills to deal with the court and the documents on your own.

Something you said that caught my attention was that being able to read the court documents was not enough to even things out. You had read them, marked what was wrong with them and pointed that out to Community Services. But, that didn't lead to them being changed and it also didn't mean that you were able to challenge them in court. You said:

these were the papers; they hadn't even been to court, ... and they said 'you go through it', and I said 'but these are wrong'. I highlighted so much of it. ... I said 'hang on, the judge is going to read this and it's not correct'. ... 'well that's where you've got to get your lawyer', that's what they said to me, 'you've got to get your lawyer to say that's not correct'.

When I read this the message I got was that even when a parent can read the documents, if they can't also write in that language, or get someone like a lawyer to write it for them, they won't get far putting their case forward.

Responsibilities of professionals

Second, you said that child protection work is an important job because it should be a chance to help people. You also said that people in that job have a big responsibility because what they do affects people's lives. These people (and I include myself here)

²² Legal Aid is a state-funded legal service providing representation for parties at court who do not have the means to access a private solicitor. Legal Aid is means tested and many people are not eligible, even though they can't afford private representation.

fit into the professional-managerial class and have lots of influence over the lives of children and parents. We shape what good parenting (and other things such as good health and safe work) looks like at a general level by conducting research, designing regulation, creating policy and arguing for changes to laws. We also shape it by making the decisions that have immediate impacts on the lives of individuals. One description of this, by Judy Cashmore (2009a), is that definitions of child abuse are created by decisions that are made and the responses that occur, rather than any external and objective standard. Maybe we also shape people's lives through our writing. What you said is that people who work in child protection have an important job – the chance to help people – as well as a responsibility for writing accurately. You said:

You've got to write the truth, it's your job. ... it's going to affect these kids' lives, my life forever, and what they've written has to be spot on. It can't be just some assumption that you make about someone.

In our second interview you talked about these things again, though with a different point to make. You said you had been thinking since our first meeting and a new thought had come to you; it was still connected with the authority and position of the author. You said that you realised since the person who wrote the court documents “[is] a professional and that is their job”, what they have written will be seen as the whole story and the reader won't even look for the gaps in the document; they won't see the spaces where things are missing or things are inaccurate. You said:

I didn't notice it before because I was so... I was concentrating on my paperwork on how unfair it was, but I notice now that if an outsider read that they wouldn't see it as being unfair. They wouldn't. ... they wouldn't know what to look for ...
unless I pointed that out I think it would be easily skipped ... Just the way that these people have presented it on the paper. Because ... they are professional and that's their job.

Porter Abbott (2008) would call that process of skipping over the gaps “underreading” (p86). He argues that we fill in those spaces automatically and sometimes don't even know we have done it.

There is an example from the document and from our talking that shows a gap in information that isn't seen until someone looks for it or someone else points it out. In the final affidavit presented by Community Services to the Children's Court in this matter, there is a description of your involvement with the agency at that time, and a statement about a phone call the caseworker made to you. It says:

Paragraph 47: "On [date] I had a conversation with the father [name] via phone. During this phone call I attempted to advise [Father] about the previous court outcome, and upcoming court dates.

Paragraph 48: "Upon being told of Community Services reviewed recommendations [regarding the case], [Father] said "I don't want to speak with you [name (deponent)], I don't care what you say, I'm not going to court anymore, I'm just getting on with my life. I don't care. I will only speak with [name (manager Out of Home Care)]" and then the phone hung up".

What might the judge think when reading this? Could it leave the reader with the idea that you didn't care? Does the reader even stop to ask, "why did Nathan respond like that?" Or do they just presume they know?

While the document's author might have reported this information accurately, there is a whole lot of information that is not captured by these statements – things the reader can't know from those words. And there is nothing to suggest more questions need to be asked. When we talked, though, you provided information that put this into a different perspective. You described the effects that the court process was having on you mentally, emotionally and economically and you needed, for self-preservation, to find a different way to keep going. You said:

I had to walk away or I was going to go back on the drugs, or something like that; I was going to have a nervous breakdown ... I didn't want to be on pills and medication, I just want to be normal and that's why I gave up.

And also:

But that's why, I just lost heart; I didn't know how I was going to win this.

If I'd had a great lawyer I believe I would have... I would have won, probably. but how much money was it going to take ...

It was hard enough to go to work because I was that depressed. ... I was so broken-hearted from it all, to me it was plain on paper, I couldn't understand why the judge was not reading it.

This suggests something other than lack of care. It suggests what the court process – and documents particularly – can do to people. Is that also why you threw away your documents? You said when we talked:



I don't even have my paperwork now. I just threw it away because I wanted to forget about my case

Maybe there was also frustration about how the documents were developed. I have already noted what you said about the documents being wrong, but Community Services saying it was your job, or your lawyer's job, to argue that in court (by writing other documents). But you said other things that were relevant to this point. You said there were things that could have been useful to your case, but were not documented and therefore could not be demonstrated to the court – like the time that Community Services placed your other daughter in your care when things were not going well for her mum. When you asked Community Services about that you were told that there was no documentation. You told the story like this:



she had lost my daughter three months prior to losing her again.

... and they rang me and I went and picked her up ... they said '[Nathan] you take her home, look after her for the weekend, go to work on Monday, [Mother's] going to come in here on Monday, we're going to have appointments' ... this is what was said – we went home as a couple, you know, with my child.

And so six months later she loses the child again but we're not together this time and they don't even ring me.

You know, three days later I find out she's in foster care. And then when I approach them I say 'listen, what happened this time?' they said 'we don't know what you're talking about, we don't have any paperwork, we don't have nothing, sorry, we don't know what you're talking about'.

It seems you are saying that because this was an informal arrangement which was not documented, that information could not be shown to the court. So, the things that existed on paper were the troubles and bad parts of your life, while the good moments, any progress and the times you were needed by the agency were not recorded anywhere.

You also said that that there was no way the judge was reading all of the documents – there are so many documents for each case and there are so many cases every day it must be impossible for one judge to read them all. That was another thing that added to your walking away – there was no way you were going to get a “fair case”. You said:

1

It was just plain and simple to me to walk away. I'd wasted the time, I'd wasted the money, and I'd got nowhere.

By now I have thought a lot about the things that you said. I have read the transcripts lots of times. I have thought about and looked at all of the different things you said about documents. In terms of documents, I think I have put down the most important parts of what you said. There is something else, though, that I heard and that I saw. What I noticed when we talked and saw when I read the transcripts was the amount you talked about the people associated with the documents – the people who wrote them and the people who read them, in particular. You also talked about those people who could and should have helped and about people who tried to help. You argued with child protection people to get the documents changed. You showed them to friends who knew you and your relationship with your daughters. I think you might have talked about the people almost more than the documents. For a while I thought this was a distraction; it wasn't about documents directly so was waste material to be sorted through until I found the proper stuff to work with. Now, I think about it a little differently. Now I think that when you are directly involved with documents like these, the items cannot be separated from the people who were involved with them. You can't think about the documents without thinking about the people who wrote them. And you can't think about the effects of the documents without thinking about the people who did, and others who might, read them.

Seeing what this might mean

You might have noticed that I sometimes use images, pictures and diagrams to help me understand the things I am trying to write. At other times, images start to form in my mind as I think through things I am trying to understand. These images are not literal – a precise showing of things that actually happened. They are figurative – images that carry a sense of the thing that I am trying to work out. They help me get a feeling for what I am thinking. I say all of this here because I would like to tell you about two images that have been developing as I remembered our conversation and read its transcript.

1. A wall of papers that kept you at arm's length; hoarding your child

From early on in the research – after our first meeting together – I got the impression of you being at arm's length from the court documents. I even said that to you when we met for the second time,

1 ... it's a bit like these things were wrong in the documents, but they were kind of at arm's length; you couldn't make them change them, you couldn't get them changed ...

It was not a precise description because at different times you had the documents in your hand but it was something about being unable to make changes to them or to change what was going on. That sense stayed and developed as I continued the research. Lately, though, I have been seeing it a little differently – that the documents were a barrier; the documents were keeping you at arm's length from your daughter.

I imagine you have seen a lot of buildings going up and the way that they are completely wrapped in hoarding – a layer of ply or fabric over a frame of scaffolding that encloses the building which is being constructed. Documents are the barrier that is thin but strengthened by the interlocking systems and rules that provide the scaffolding to support it. It's hard to cut through because of the strength of the weave. It's hard to pull down because it is supported and secured by the scaffolding. It's flammable, but you didn't have a dry match. There are cracks, but you didn't have a bar to lever them open.

Inside that cocoon is your daughter. There are some who liken children to buildings under construction – brick by brick; piece by piece being made into good citizens²³; a process in which society invests a great deal of time and money; society is not going to let you graffiti or damage the construction work in progress, especially at the point at which foundations are being laid down – who knows what type of wonky or unstable building/citizen would result.

When I looked online at companies that provide hoarding for construction sites, one said that its products were designed to keep unwanted people out of building sites – “To ensure smooth and undisturbed flow of construction works at construction sites, it is imperative that the site should be protected from the reach of unwanted outsiders”²⁴. This allows construction work to continue with as little interruption as possible.

2. The document as a mirror of its author

It seems that when you looked at the documents or when you thought and talked about them, what the document said about you or your life was not the only thing you noticed. It seems that when you looked at or thought about the

²³ This is an interpretation of Foucault (2008) in which he talks about children and development of human capital and others who talk about children as social investments (see, for example, Lister 2006; Mason & Fattore 2005)

²⁴ Warringah Scaffolding: <http://warringahscaffolding.com.au/hoardings/>

documents you remembered in your heart and your body the process of interacting with Community Services and the court – the frustration; the injustice. And, the faces of the documents' authors were constantly reflected in the surface of the words. It seemed that for you the documents were not disconnected from the people who wrote them, but were an extension of them. The people continued to be present in the papers long after the event of the court case had passed.

This presence of people and place was different for me when I read the documents. The more distant I was from the people and the setting where the documents were made, the more they sat independently in space and the more I had to rely only on the words for my understanding of the situation. For example, when I read the caseworker's documents I had an experience of what it was like to write those documents and could read their words with greater depth and understanding. That was different from the police records or the clinician's report because I have no experience of what it is like to be in that job and to do that type of writing. Because of these things I saw the words on the papers and not the face or the setting of the person who wrote them (even though I did think about the author).

Conclusion

I don't know what it has been like for you to read this whole story. When you read the first half of it you said that you understood the project better and finally felt like someone understood what you went through. I hope that feeling has continued through to this end point. I also hope you know how much I appreciate your contribution. Given the huge amount of research about child protection, there is little written so far about parents' experiences of its processes and even less about fathers. The time you have given and the story you have shared have added a great deal to our understandings.

Early in this document I mentioned research by Fincham et al. (2011), who studied files from coronial inquiries into the deaths of people who committed suicide. Their research showed the ways that documents can be places where identities are built for a range of different people, including the person who died, the people they knew and the people who provided health care for them. It is an interesting study, that helped me a lot when thinking about what I was doing in this research. What I now know, since talking with you, is that that research looks at documents from a point of abstraction – from a step removed from the people it is talking about. What Fincham et al.'s (2011) research could not do was tell a story of documents from inside the skin of a person who was the subject of them. That is what this research has been able to do and that has led to different knowledge.

Perhaps the biggest message I am taking away from this is that those of us who belong to the professional-managerial class must appreciate the power of documents. That involves respecting the power we wield through our writing as well as thinking about who will be reading them and how they are read. Your words have shown how important it is for professionals in this field to be very care-full writers and critical readers – especially where so much is done on paper. Like you said:



But, you know, they're in a position to ... it's going to affect these kids' lives, my life forever, and what they've written has to be spot on.

This research process has changed how I work – especially the work I do teaching future social workers and people who might be working in child protection. I spend much more time talking about how careful their writing and reading must be. Their documents are powerful and may change things for people for ever. Even more than that, though, documents are a very real element in the child protection worker's relationship with parents, children and extended family. They carry the relationship, they impact on the relationship and they shape future relationships.

As you know, I also sat down with other people in this research. They were all people whose work is part of the child protection ecology. Like you they gave a lot of their time and helped me to understand documents and what it is like to work with them. I haven't talked a lot in this letter about what they said. Instead, I have written them a whole separate document, which follows straight after this one. I wrote them a separate letter because what they told me had a different focus from what you told me and it seemed that their material should be presented in a slightly different way. These two letters (yours and theirs) should be thought about together, though; hand in hand they present a fuller description of the things that I have learned. The letter I have written to them presents a more thorough description of the court documents and what they are made of. It also breaks down the interviews into themes. I wonder, if you ever read that letter, if you might be surprised by any of the things that are in there. It is probably not very often that parents get a view into the thoughts of the people who worked on their case and work in different parts of child protection. I imagine, too, that those workers don't often get to hear thoughts of a parent talking about child protection court documents beyond a first reaction to them. I hope that any workers who read this will find it as helpful as I have.

Because of the way that I approached this research – doing it as a single unit case study – I cannot presume that I know how any other parent who has gone through the Children's Court experiences the documents. I have tried to tell the specifics of this situation. At the same time, the ways in which your experience had similarities with the findings of other research (described above) and the ways it is consistent with what I know from when I worked in child protection, suggest to me that many others

might say, if they were to read this, “that is what it was like for me, too”. This is not trying to speak for everyone, but I imagine it will speak to many.

Thanks for all you have taught me,

Chris.

Chapter 3: In which we think more about child protection, take a second look at the research data and spend more time on its themes



Dear Cara, Mandy, Margaret and Simon²⁵

Some very long time ago now we each sat down together to talk about child protection court documents. This didn't happen by chance but by design – each of you said “yes” when approached to be involved in this research. The reason I approached each of you is that you had been involved in a particular care and protection matter – the case of one child (Isobella) and her family. I read and reviewed the file relating to that matter and then came and talked to you all. I also talked with her father, Nathan. I say that it was the file relating to Isobella because she is the one about whom you all came together. I did not focus my study on her directly, though. Nathan opened the door to this study as a father who had been through the Children's Court and the person who first said “yes” to participating in my research. Without him I would not have been able to get started. Without the rest of you I would not have been able to get to this point. Cara, as the caseworker, you had written many of the documents in the file that I read. Perhaps more than all the other participants, you took the greatest risk because it was mainly your writing being investigated. Mandy, as a casework manager at Community Services, you had some responsibility for overseeing the documents that were produced, as well as having delegation from the Minister for Community Services for overall case direction and decisions. Margaret, you are the magistrate who was involved with the case. By agreement you and I did not talk about this matter specifically when we met, but about court documents more generally. And Simon, you are a legal representative who had a small amount of involvement in this matter. We also talked more about documents in general than about this specific matter. Thank you all for participating.

When we each sat down the first thing I asked was why you agreed to be involved in this research. There was difference and similarity in the things said – there were similar hopes around possible usefulness but maybe different reasons for wanting it.



Cara: Well I think it was interesting that someone wants to do this ... we spit out documents here all the time and we never get enough time to go back and reflect and go well... “what did that mean?” and “would we do it differently?”, or “how did that affect us, or them, or someone else?” ... you know?

... if it's going to... show or highlight some things for anybody I think it will be good.

²⁵ All names of research participants and related people have been changed to help with anonymity and privacy.



Simon: I'm always interested in university research, I think it can be helpful for the future for all of us, so maybe there'll be some useful conclusions you draw...



Mandy: I thought it was an interesting proposal looking at Court documents and the impact they do have on all people involved. Obviously I've seen some quite negative effects on birth families when working with them ... So I thought it would be interesting to see you have the opportunity to speak to the family and what you would come up with in regard to all of that.

Having a look at our conversations, Margaret, the first time we sat down you said:



whilst I can't pretend I'm thrilled ... I'm not anti it, I don't think it's a bad thing at all.

At the start of the second conversation, when I asked what it was like to talk previously, you said:



it was good, it made me think about the topic ... it's certainly true that documents are very powerful

I am writing to you as a group and in a letter separate from the one I wrote to Nathan because you have a knowledge and experience of documents that is shared as well as different from the knowledge and experience that a parent is likely to have. You are most consistently the authors and readers of documents, rather than their subjects – most often the ones doing the writing, rather than being written about. Being a subject of documents is, I have come to see, a very vulnerable position to be in²⁶. Because of this, I want to thank you each for being willing to be a subject for this research and volunteering to be subjected to my writing. I hope I have treated your thoughts with care and represented them fairly. At the same time, I hope I have wrung from the fruits of your experiences all the available juice to slake my thirst for learning.

The previous chapter of this thesis, a letter to Nathan, was also intended to communicate things I learned, though it had a different focus – it was more about his direct experience of documents and of the court process. The letter you are reading now should be considered a flipside to the coin – the yin to the yang – of that letter. I hope one day you will get the chance to read that letter too, as it provides details that this one will not attempt to cover.

²⁶ This is an important point that I will talk more about in the later parts of this chapter.

There are many different things covered in this letter. There is a great deal of information presented about child protection as a field of work and research. This has a focus on history and some material on how the court processes have operated over time. These things are important because they give some hints about how things have come to be as they are. Drawing from the social ecological metaphor I described in an earlier chapter of this thesis, history provides the nutrients with which the current ecology grows. This letter includes a very brief description of the research method (a fuller description of the method is presented in the letter to Nathan) but I have included a more thorough description of my approach to the data analysis here. Following that, descriptions of the court documents and then key themes of the interviews are presented. The key themes are drawn both from ideas that I brought into the interviews, and wanted to know more about, and unexpected elements that were mentioned by different participants. Finally, this material is drawn together around an observation of how this situation might be seen.

Your contributions to this research have been invaluable. What I read in the court documents and what I heard in the interviews was both new and old to me. Putting together the pieces of my social work and child protection experience, the reading I had done and the pieces of other accumulated wisdom, much of what was said was predictable. You will probably find it that way, too. At the same time, the specific detail provided by each person adds an extra dimension (texture), to what would be an otherwise bland and synthetic surface. I hope you find that the representations here do justice to your contributions and the efforts you put into this field overall.

Just to remind you, this research was undertaken for the award of PhD at Western Sydney University. Part of my interest in doing the research came from my previous involvement in child protection. I worked as a child protection caseworker and casework specialist – sometimes arguing that the court should make care and protection orders for particular children. Therefore, I have experience writing, serving and filing court documents. I worked in the local roll out of the NSW's *Keep Them Safe* child protection reforms, which meant that I had close contact with professionals across a range of fields whose work involved them in the lives of children and their parents. Now, perhaps as a consequence of this study, I am teaching students who might be working in a range of human service roles, including child protection. Through all of these experiences, I have continuing questions about child protection and about court documents. These questions are unlikely to be silenced by this research but it has helped me to think more fully about the questions.

In order to provide a more tangible indication of the questions that I became entangled with while working for Community Services, and to share something of myself similar to your sharing with me, I have copied below an unsent letter I drafted about six months before I stopped working for the agency. While it talks about how I

felt about the work, it also says something about the ways that I see the world. [Please note that I have not edited this and because of that might be different from how I would express things today.]

Dear Alan

The mood in my soul is Cohenesque (Leonard) as I consider my return to work tomorrow: "it's come to this; yes, it's come to this; and wasn't it a long way down; and wasn't it a strange way down ..." You get the idea.

I have fallen from a treetop of hopeful work and creative practice, for which I was completely too inexperienced to manage, through independent branches, to land with a thump in a Government chair inside an air conditioned sarcophagus, where the work is probably more important, and more dead, than anywhere else I know.

Dear Alan, what are we doing to people?

Tomorrow DoCS will provide myself and my colleagues with another in its ever-growing array of organisational certainties – Permanency Planning. This training will be presented in that bastardised model of adult learning which equates to organisational indoctrination where questions are presented with the required answers pre-prepared and one gets the opportunity to come up for oneself that which the organisation wishes to hear. The conclusion is consistently reached not because it is the only option but because the sequencing of questions leads one there. In the end the organisation believes in its own correctness because it heard it so many times, by design.

The training will, I believe, argue that in order for children to grow up secure in their identity and stable in their sense of self they need permanency in their parental responsibility and their placement. Thus they will have the opportunity to reach developmental (particularly educational) milestones to the best of their ability by not having to worry about the quality and consistency of their care. The training will present that children with multiple, disrupted attempts at restoration to the care of their parents (or restoration and future removals) are at far greater risk of behaviours that fall under the headings of delinquency (i.e. drug use, homelessness, crime, etc.).

This is a robust thesis and surely not an unreasonable one. At its heart is the knowledge that the earlier permanency is secured the more stable the future for the child. And, supposing they receive good care, they are more likely to

succeed at school, have better physical health, be less likely to go to gaol, have children who experience the harm that they did, be less likely to use violence, etc. etc. etc.

Do I argue the point well? Have I convinced you of its virtue? I am, unfortunately well versed in it. I argue it to court more often than I would like.

Does it smack of the Stolen Generation? Yes, and no.

Yes, there is a culture from which children are hoped to be separated – drug culture, the cultures of crime and violence, the cultures most closely associated with abuse and neglect.

And no? No, because there is a meaningful intention (and set of practices) to encourage knowledge of family and origin, as well as contact with that family to the degree that it is safe and not destabilising to do so.

The knowledge of family and origin is part of a framework called lifestory. This is very much a conscious engagement with the child (person's) self-narrative – their stories of their life. It recognises that for most children their families will help them build a picture of their life (including family history) by telling and ordering storing their narrative markers such as photos from houses lived in, holidays, school events, etc. But for children in care there is a real danger that this will not occur, especially if they move from place to place, unless someone makes a conscious effort to do so.

Also, something that I learned while reading in association with life story stuff, we as people are not automatically skilled in constructing and managing narratives. We learn it progressively through engagement with people (particularly important adults) around us. Therefore, children who have experienced neglect or lack of engagement from their carers and others, could have greater difficulty structuring and working with their self-narratives in adolescence and adulthood.

But, I digress.

Well might you ask, "why, if this is all so reasonable, are you haunted by the thought of returning to the factory tomorrow?" The issue of workload (and my generally ponderous approach to tasks) is relevant but separate.

For a while, I thought the statement "there, but for the grace of God, go I" was an important mantra for anyone in my position who judges situations and must make assessments of them. It said to me, "be gentle for it could be so easily me in that position". But, I have come to consider it a cop out – something which makes me feel sincere, but essentially do nothing different.

That which makes sense to me now is much more simple. It is informed, in part, by Social Ecology – that first post-school education that I received – which said everything, in an ecological view, is interconnected. Everything is the way that it is as much because of those things around it, as itself. It is also informed by social construction, which I heard to say “everything that I am, that I believe, that I do, is structured by, and is meaningful because of, the people/society around me – both immediate and distant. Therefore, the new statement that I hold dear is “there, go I”.

The issue which inspires my gloom tonight is a direct result of this idea that sings to me while I operate within my employer’s framework. As we act to protect and seek permanency for children, we are invited to stand oppositionally to parents; construct them as villainous, and eventually cut them loose while we seek all things new for the child who, from their responsibility, we removed.

Even if we find a way to articulate the abuse that a parent experienced as a child, that is implicated in their drug taking or contemporary ‘mental health’ concerns, or the fact that violence, drugs, lack of provision of stability and protectiveness has continued into the parenting of two young adults who were themselves in care as a result of heroin, alcohol, domestic violence and trauma-related mental health concerns, we are told “the child is our concern. If the parents can address the issues we have outlined they can apply to have the children returned to their care”.

The current system rests on the laurels of individual choice and rational decision-making – that the parents are in their situations because of choices that they have made in their life. There is no room for the dynamics of domestic violence to be part of this equation, or the social structures which support alcohol, or a real appreciation for the way sexual abuse in childhood built a platform for future relationships where desperate risks are brought into the lives of the next generation of children.

I found myself at DoCS because I needed a job and because my training had given me the skills and the focus to be there. There’s many others who took the path deliberately in order to make a difference to children’s lives.

While it saddens me desperately to argue to the magistrate that she should place another child in the Minister’s care [especially considering the nature of the care that that child might receive from the Minister] I do it because I see the need. The bitter pill upon which I gag is the knowledge that should my recommendation come to the be Court’s Order then more pieces of me are cut

away – left on the workshop floor – and I don't like the shape of the puppet into which I am being fashioned.

Dear Alan, I am sorry to dump this on you. You appear not to have trod such paths of razor blades. Thank you for those things you have shared with the world and with me personally. All the best

Chris


(13/11/2007)

Research context – child protection in New South Wales

Child Protection

The study that I have undertaken, that you were part of, is about documents of a particular type – that is, court documents – and court documents in a particular social space – that is, child protection. Before focusing in on the court documents as we talked about them, I want to spend some time thinking about child protection more broadly. I think it is important to do this first because I think it is hard to understand the documents without understanding where they are located. Second, I think the effects of these court documents come from their social context as much as they come from their individual characteristics.

In starting to think about this social space we call child protection I want to provide a couple of quotes about how this work can be experienced by professionals. The first comes from Bob Lonne, an Australian social worker and author who writes about child protection. He recently wrote, “The child protection arena is fraught with difficulties, emotions and conflicts, and ethical issues abound” (Lonne 2013: 17). Two comments from the interviews illustrate those elements. Margaret said:

 *you've got to remember that this is a very onerous and draconian sort of a jurisdiction where it's a civil branch of the law but you're taking people's children ... there's no offence but the... implications are lifelong*

And Cara said:



I don't know of any other job in the world where you're interfering with the most precious things in the world which is family

These comments say to me that this is a difficult place to work because there are huge effects that roll out from what is done and the decisions that are made. Someone forever carries the effects and someone carries the knowledge that they are involved in causing those effects. I recognise this field as a difficult place to work and a difficult place for the families that are drawn into it. As I see it, you are living the difficulties that others (including me) theorise about. You are also living questions that have been revisited for more than a hundred years.

There is a specific event which is generally considered the 'big bang'²⁷ moment for child protection – the case in 1874 of Mary Ellen Watson, an eleven year old girl living in New York City. The case of Mary Ellen is recognised as a point of revolution in child protection; it served as the trigger for social changes involving responses to children being harmed and is described by numerous authors including Myers (2008), Tomison (2001), Watkins (1990), and Scott and Swain (2002). It did not develop in a void. It required the existence of legal systems and charitable organisations as well as an active media and, people willing to act. This is a threshold moment (see footnote 27) from which the landscape we know as child protection was formed.

Mary Ellen was a child who lived with Mary Connolly and Thomas McCormack, guardians to whom she had been indentured when she was 18 months old. As a very young baby Mary Ellen had been left at the Department of Charities. Her parents were nowhere to be found. About ten years later a woman in the building where Mary Ellen lived raised concerns about her treatment with Mrs Etta Wheeler - a woman, volunteering for a charity organisation, visiting the poor. Mary Ellen was found to be being beaten and starved by Mary Connolly. As Myers (2008) tells it, assistance was sought from the police (who refused to investigate) and from charities, each of which argued they did not have the authority to intervene. Eventually, Etta Wheeler convinced Mr Henry Bergh, the founding member of the New York Society for the Prevention of Cruelty to Animals (NYSPCA), to consider acting for Mary Ellen's protection. Using existing legal statutes, including a "variation on the 'writ of habeas corpus'"²⁸ (Myers 2008) Mr Berg and his attorney, Mr Elbridge T. Gerry, convinced

²⁷ Some historians think about the big bang not as a point before which there was nothing and after which there was the beginning of everything. It is the point at which there were enough resources and the right conditions which, when brought together, made something radically different occur. These historians describe such moments as "major thresholds of increasing complexity" (Christian 2011) (though Haynes (2014) argues that this concept may be more suited to human/social systems than natural ones). They argue that there have been a number of these major thresholds in the history of the world such as the big bang, the formation of life on earth, the birth of agriculture and the modern age. Following the evolution of humans these thresholds are both natural and social.

²⁸ Meaning, to bring the person (usually a prisoner) before the magistrate or judge.

Judge Lawrence of the New York Supreme Court to hear the case. A warrant was issued for Mary Ellen to be removed from the house and care of Mary Connolly and her case was heard by Judge Lawrence. When presented before the judge, Mary Ellen was dressed in rags and had bruises on her body. She also had cuts to her face where her guardian had assaulted her with a pair of scissors. During the trial many witnesses gave evidence of the cruel treatment of Mary Ellen. Newspapers took a strong interest in the case and reported the trial in detail. As a result of the trial she was permanently removed from Mary Connolly's care. Eventually, after being placed in a training institution for older girls she was placed in the care of Etta Wheeler. Mrs Connolly was convicted of assault and sentenced to one year's hard labour – the most severe punishment available to the judge for such a matter. Following this case the first charitable institution dedicated to the protection of children was created – the New York Society for Prevention of Cruelty to Children (NYSPCC). By the end of the 1800s similar organisations had been established throughout the United States and then in the United Kingdom and Australia.

What strikes me when reading the different versions of this story, by these different authors, is the way they focus on different things. Scott and Swain (2002) and Tomison (2001) focus on the way this moment lead to the development of institutions and organisations and the ways in which these have changed over time (particularly in Australia). Myers (2008) presents a similar picture for America, though with a focus on the financial and regulatory role of the US federal government. Fogarty (2008), in his review of this story, attends to the legal context in England and other countries. What I notice in Watkins (1990) article, though, is close attention to the people involved in Mary Ellen's case (including Mary Ellen as a child and, later, as a mother). Watkins describes how many of the key people were moved to act by the accounts, both spoken and written, of another person. Along with the necessary structural ingredients and the necessary social conditions, are people – people noticing, people caring, people engaging, people persisting and (eventually) circumstances dramatically changing.

Like I said, this was a threshold moment – a radical change that arose from conditions that already existed. In the decades before this change a small number of people, particularly from the developing medical professions, were talking and writing about abuse of children (though little attention was paid to what they were saying) (Lynch 1985). For example, in the mid-1800s, Ambrois Tardieu, a noted French physician, systematically studied and published about harm (including death) caused to children by adults such as parents and teachers (Labbé 2005; Lynch 1985). Tardieu studied sexual abuse, physical abuse and neglect, as well as the destructive impact on children of industrial work conditions (Labbé 2005). Labbé (2005) notes that while Tardieu's work did influence child labour laws, his insights regarding child abuse were

discredited. This was partly based on the idea that children's versions of events could not be believed.

There were also existing foundations in the law in the United States and England. In those countries, legal responses to children experiencing extreme harm had been recorded since the 1600s. Recorded examples of children having been removed from their parents/guardians and adults having been charged with harm to children exist since that time. Additionally, the ways in which parents raised their children were a concern of society and the courts since the 1600s. For example, Myers (2008: 450) wrote "As early as 1642, Massachusetts had a law that gave magistrates the authority to remove children from parents who did not "train up" their children properly". In England, the court might only intervene when a child was physically abused until the case of poet Percy Bysshe Shelley in 1817. Wright (2012) says of this case that Shelley lost custody of his children because he insisted on his right to educate them to be government critics, reformists, and atheists. Wright (2012) describes other similar cases such as that of William Wellesley Pole who, in 1827, lost custody of his children because he taught them to swear, smoke cigars, play with street urchins, and because he exposed them to life with his mistress. In 1851, a clergyman father lost custody of his children because he engaged in homosexual relations in the back room of taverns and inns, most often with "common soldiers"; in 1870, the widow Helen Skinner lost custody of her daughter when she converted to Islam and entered into a polygamous marriage. Finally, in 1879, Annie Besant lost custody of her daughter to her estranged husband, the Rev. Frank Besant, because she had written a book on birth control, a book the Lord Chancellor deemed to be obscene. In her descriptions of these cases, Wright's focus is on sexual morality in the nineteenth century, stating that children were, after 1817, sometimes removed "when parents exposed children to sexual practices and ideas that deviated from acceptable sexual norms" (Wright 2012: 1/17). While that is not my focus, her examples show that the State, through the court, became involved in people's lives when there was a view that children's moral, not just their physical, life was in danger.

There is debate about how children have been viewed over time. Chris Jenks (2005), substantially drawing on the work of Aries (an early researcher on the history of childhood who studied children's representation in Western art (Jenks 2005)) argues that the category of people we know of as children has not been viewed in the same way across time. According to Jenks (2005), children had a clear presence in ancient Western society (for example in the writings of Plato). Following this there was noticeable decline in the middle ages wherein those who were no longer babies, but not yet adults behaved and were treated the same ways as their parents – they did not have a childhood as we know it. Children's presence re-emerged in the mid-1600s when the children of upper class parents started to be treated differently. One example of children being seen in new ways is their parents keeping diaries and

journals of children's development (a process that occurred in Germany in the late 1700s). As Esser (2015) describes, at that time fathers were encouraged to keep very detailed diaries of their children's growing and changing from birth onwards as part of scientific processes that would inform the field of developmental psychology. The diaries were collected and published first for scientific purposes but then also for public interest. As a result, this form of examination and writing started to be taken up by many families as part of life outside of science.

Although not all researchers agree with the idea that children were socially invisible in the pre-1600s period (see, for example, Esser 2015), there is general agreement that the social changes associated with the Enlightenment and beyond made a difference for children. This was a period which saw the development of the modern state and the practices of governmentality in Anglo-Celtic societies, as described by Michel Foucault (1991, 2008b). Foucault argued that a shift in the logic and the ways of governing occurred from the 1700s onwards (with particular increase in the 1800s). From this point the responsibility of those who governed was to strengthen their domain, not through government expansion and physical control, but through economic activity. To govern was to facilitate business and manage the 'human capital' (Foucault 2008b) that worked for, and consumed the products of, those businesses. The management of the population started to shift from the increase of government for its own sake, to the creation of the conditions for economic advancement and ensuring a population that was capable and suitably healthy for participation in economically productive activity. Public health became a large concern. Children became a vital piece in the game of the modern state and their development as human capital, through 'investments' in health and education, was imperative (Foucault 2008b).

Health services and education for children have become such common features of our modern lives that it would be hard to imagine living without them (and imagine the uproar if it were attempted too directly). These might be considered soft interventions; directing family conduct through investment (providing services) – a scarcely recognised feature of neo-liberal governmentality that Foucault (1991) described (see, also Dean 2010).

One foundation of the neo-liberal state is a restrained/limited government that does not physically intrude into people's lives except in specific and limited cases (Dean 2010; Foucault 2008b). This reflects a complex relationship between family freedoms and State direction and is noted by Lamont and Bromfield (2010) as one source of tension in child protection intervention. Similar issues are noted by other authors such as Kirton (2012), who argues that the idea of child abuse is a phenomenon created through social agreement (it is socially constructed); Jamrozik (2009), who provides a class-based analysis of Australian child welfare policies and interventions; and

McCallum (2012), who gives a specifically bio-political analysis of child welfare thinking in Australia and how sciences became implicated in developing knowledge about groups of troubled children. Under (neo-)liberal perspectives, the state should stop at the family's front door (Sammut 2010), directing children's welfare through services and the promotion of 'good parenting'. When a threshold line is crossed, though, it is seen as legitimate for the state, via child protection services, to intrude. Foucault's (2008b) argument is that state intervention into private space can be legitimised when it can be constructed to be of 'interest' to other members of the population. One way of thinking about how an issue is made an issue for everyone is to evaluate child abuse in terms of its 'cost to society'.

The calculation of dollar-value costs of child abuse is one way it becomes an issue of public 'interest' in this Foucaultian view. Various studies into the costs of child abuse have been conducted (see, for example, Child Family Community Australia 2014b; Taylor et al. 2008; Wang & Holton 2007). Costs include that which is paid by society in relation to child abuse (direct costs) and that which is not gained by society (indirect costs) (Wang & Holton 2007). For example, provision of medical services to address injuries, mental health services to address trauma and payment of salaries for child protection workers and therapists are direct costs. Indirect costs include lost productivity of children who do not reach their (economic) potential (Wang & Holton 2007). In the introduction to *Every Child Matters* (the UK policy for addressing child abuse), the Treasurer at the time (reflecting the link between child abuse and national finances) argued that "we have to do more both to protect our children and ensure each child fulfills their potential" (UK Government 2003: 3). In this view, while one role of governments now is to activate citizens to increased responsibility for their own health, thus reducing their potential burden on national resources (see, for example, Brown & Baker 2012; Crawshaw 2012; Rose 2001), another role is to ensure that parents don't damage the "abilities-machines" (the children in their care) – the children being "human capital" that, eventually, "will produce income" (Foucault 2008b: 229). In this scheme, child protection services fill the role of protection and recovery in order to support productive futures for children and society.

Critical child protection scholars have argued that this approach of allocating or implying a dollar value to everything (including people) encourages children to be seen as economic units whose childhood is about developing into productive and responsible members of society (Lister 2006), measured in terms of dollars in and dollars out. In the global conversation about children, parents and citizenship, children's "outcomes" and productivity are concepts with substantial momentum. Illustrating this perspective, The World Bank's early child development work (as described in Young & Richardson 2007) considers early child development programs as investments, quantified in terms of future returns. In this governmental model,

education, health and child protection all belong to the same social enterprise and each is linked to the other²⁹.

One point on this long arc of creating new versions of children and their place in our modern society is the increasing interest in children's education and especially the development of compulsory schooling that occurred in countries such as Australia, UK and USA, in the late 1800s and very early 1900s (Esser 2015). As a case in point, in Australia schooling was compulsory in every state by 1900 (Varnham & Squelch 2008). This was only possible after child labour laws were implemented in the mid-1800s so that children were freed from being required or able to work (Esser 2015). Thus, the laws which protected children from brutal and dangerous (or deadly) work settings also provided the possibilities for children to become schooled, monitored and increasingly of interest to the state. A contemporary illustration of the state's interest in children, education and welfare is found in a recently published book on social policy strategies in the US and Australia that have been directed at:

three different but interrelated economic arenas: parental employment; early childhood care and education; and children's educational attainment. These economic arenas are linked by virtue of being the fundamental elements of human capital development and economic success during adulthood in both the United States and Australia. (Kalil, Haskins & Chesters 2012: 1)

In this same process of the state becoming more interested in children's development, an increase in parental/family responsibility for children's safety, welfare and development was achieved. The responsibility of the State for the 'safety, welfare and wellbeing' of children (as it is currently described in NSW child protection legislation (NSW Government 2012)) was primarily achieved through an ever-increasing watching of, and intervention into, the activities of parents. This is described at a general level by Donzelot (1979) and McCallum (2012) and, at the specific level of the juvenile court in NSW, by Carrington (1993). Interestingly, Esser's (2015) describes how those original activities of documentation within families and, later, education settings, turned those settings into "laboratories of childhood", where children were both studied as well as standardised. He concludes with a consideration of how ideas of 'normal' and 'deviant' development that came out of the process, were turned back on families; those families which were the source of much of the original knowledge for child development. Esser (2015: 181-182) concludes:

Ultimately, then, it was bourgeois practices of subjectification and documentation which led to a universalised, standardised concept of the child.

²⁹ One example of the way child protection is linked with a range of other public enterprises relating to children are the NSW *Keep Them Safe* child protection reforms, started in 2009 (DPC 2009). Here, the interlocking of child protection services with health, education, police and housing (among others) can be clearly seen.

Predictably, filtered through other institutions, this is now coming back to affect the family — and particularly families which do not meet bourgeois standards.

Australian circumstances and responses

Colonial Australia, as a seedling germinated from England's far-flung seeds, contained much of the English genetic material. This was the case at the point of the colonialists' arrival (1788) and continued for many decades. Parton (2007) describes the conditions in England in the middle to latter half of the 1800s, that led to their first child-welfare focused charitable organisations. These conditions included hearing women's voices in discussion of public issues and in policy debates, a growing social concern for the consequences of child neglect – especially delinquency – and an increase in the numbers of charitable organisations in general. Australia was influenced by all of these developments and (later) by the implications of the Mary Ellen case and the creation of societies for the prevention of cruelty to children. It also had some particular local conditions that these elements were incorporated into. These led to a child protection approach that was generally consistent with other countries' approaches, though with local variations or peculiarities.

Australia's approach to intervention on behalf of children has been particularly focused on distinct 'classes' of people. That is, belonging to a particular social circumstance provided the potential for intervention to occur and, according to Jamrozik (2009), some of child welfare's purposes were to manage those social classes. This is similar to the English origins of social work (as described by Payne 2005) where the Poor Laws from 1601 created a basis for classifying those who were infirm and in need of assistance compared with those who were able and 'idle'. The former group "needed institutional relief in almshouses and workhouses", while the able went to "houses of correction"; children "were apprenticed to a trade" (Payne 2005: 21). In all of this, the idea of state responsibility for those experiencing difficult circumstances, as well as reform and reintegration with 'proper' society, can be seen. An example of this trend from the early Australian child welfare approaches was the institutionalisation of 'delinquent' children from impoverished families (Fernandez 2014). These children were seen as a danger to society through their potential to grow up engaged in criminal behaviour and threatening the safety of 'good' folk, as well as being a financial drain on society (Fogarty 2008). These children were institutionalised or boarded out to 'good' families for the purpose of management and re-education (Fernandez 2014). Much of this approach was influenced by white Australia's origins as a British penal colony. Children, and views about how to improve children, were transported to Australia starting with the very first fleet.

Another circumstance, that I mention for its close parallels with our topic of developing child protection, is white Australia's engagement with Indigenous families – particularly that which has now been recognised as the “Stolen Generations”. This is most thoroughly described in *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (HREOC 1997). This is a specific and distinct example of children placed in institutions and/or with new families for the purpose of ‘re-socialising’ them. Much of this process was based on Aboriginal ‘protectorate’ legislation which was different from the general state child welfare laws (HREOC 1997). It was, perhaps, a short cut to the same ends – placing children in the care of others so the children would have a different future. In this case it was aimed at achieving a ‘white’ and non-Aboriginal future, both for the child but also for Australia as a whole. Across Australia the laws underpinning the stolen generations were amended in the 1940s (1940 in NSW) such that Aboriginal children were brought under the general ‘child welfare’ legislation. There was still a major imbalance in their application, though, such that Indigenous families were more often and more readily seen as neglecting or otherwise abusing their children and their children in need of removal (HREOC 1997). Reflecting the skewed thinking that could support such an imbalance, in 1951 the then Federal Minister for Aboriginal Affairs argued that not undertaking such intervention ‘on behalf’ of Indigenous children was to neglect Australia’s human rights commitments (HREOC 1997). As you will be all too well aware from your current locations in the child protection ecology, this imbalance continues today. One snapshot indicator is the statistics of out-of-home care placements. Averaged nationally, Aboriginal children are almost nine times more likely to be placed away from their birth parents than non-Indigenous children (AIHW 2015). The continuing experience of state intervention through child protection and juvenile justice, as well as the consequences of earlier family and community destruction, have led to some people arguing that the stolen generations process has not ended (see, for example, Cunneen 1997; Keddie 2013).

Placing children in institutions and homes and the establishment of societies for the prevention of cruelty to children, is generally described as the ‘first wave’ of child rescue (Lamont & Bromfield 2010). Scott and Swain (2002) describe this as a period of lots of activity at both community and government levels. Laws were created, organisations were started, families were engaged for recovery and improvement or children were rescued and placed in other homes (or institutions). Following this, though, there was something of a lull in activity; a quieter period where child protection had gone off the public agenda. It was the period after the wars where suburban homes became the model of family life. The ‘second wave’ of child protection was triggered in the early 1960s (Lamont & Bromfield 2010) when medical experts from the United States published information about physically abused children which they described as “battered child syndrome” (Kempe et al. 1985 [1962]). Similar

to the Mary Ellen circumstance, this information caught the attention of professionals, community members and the media and a period of intense research, agitation and political activity followed (Lamont & Bromfield 2010).

I don't think child protection has gone off the public agenda over the past 55 years since child abuse was re-named and child protection reinvigorated. There has been constant and vigorous research activity; for example, the journal *Child Abuse and Neglect* has published four issues a year every year since 1977. As another example, a review of Australian child protection-related research by McDonald et al. (2011) covering the years 1995 to 2010, found 1,359 projects, valued at over \$10 million dollars, that met their review criteria. There have also been numerous inquiries into Australian and overseas child protection systems. Examples include reviews in New South Wales, Australia (Wood 2008); Northern Territory, Australia (Northern Territory Government 2010); England and United Kingdom (Munro 2011; UK Government 2003) and Canada (Hughes 2006).

There are those who argue that we intervene too much into the lives of particular groups in the community. Some argue that parents with disabilities are discriminated against in the child protection system (McConnell & Llewellyn 2000; McConnell & Sigurjonsdottir 2010). Others see that people who suffer socio-economic disadvantage also experience higher levels of child protection intervention than other groups (McCallum 2009; McConnell & Llewellyn 2005). Most authors who write about the Australian child protection system note the over-representation of Indigenous children and families (see, for example, Bamblett & Lewis 2007; Fernandez 2014; Higgins & Katz 2008; Higgins et al. 2006; Tilbury 2009; Tilbury et al. 2007). Others argue that we intervene too late or too little, giving parents too many chances without a realistic likelihood of change, thus supporting ongoing harm to children (Sammur 2010, 2014). This is the space in which you are all working, making decisions and trying to understand children's experiences.

I did not come to this research with a pre-set idea about what is right or wrong with current approaches to child protection in NSW and/or Australia. Child protection has been described as a "wicked problem"³⁰ (see, for example, Sanson & Stanley 2010; The Allen Consulting Group 2009) and I don't think there is one thing that can be said to be the problem or one, single thing that can be done to fix it. Here I have gathered some different perspectives on the problems and the fixes and am offering them to you for consideration. I expect that you have your own views (if you consider there to be a problem at all). I am keenly aware that you work in this space every day and that there are families who live it every day. I would be interested to know if your experience,

³⁰ A wicked problem is one which has many inter-related parts and also involves many different parties trying to do something about it. These different groups are often pulling in different directions because they see the issues differently and can't agree on a clear definition of the problem or what will improve the situation (The Allen Consulting Group 2009).

and their's, agrees with or disputes the arguments that academic perspectives provide.

There are many people who have described child protection as a broken system and proposed their own view of what would fix it. Dorothy Scott, for example, wrote in 2006 that due to an ever-growing list of circumstances considered to be harmful, Australian child protection systems were “overloaded” (p11) and, as a result “potentially dangerous” (p11) through not having the capacity to respond to the demands placed upon it. She, and others following, suggested we should take a ‘public health’ approach to child protection (see also, Barlow & Calam 2011; Child Family Community Australia 2014a; O'Donnell, Scott & Stanley 2008; Scott 2006). The idea behind this is to imagine child abuse similarly to a health epidemic - skin cancer might be an example. A public health approach involves primary (or universal), secondary and tertiary ‘interventions’ (Child Family Community Australia 2014a). That is, in order, preventative things done to reach the whole population, services or strategies that reach those with particular needs (at risk groups) and direct intervention for those who have experienced the problem to address their suffering and stop it going on to another generation (The Allen Consulting Group 2009). Reducing the skin cancer problem involved universal actions such as environmental campaigns (including trying to reduce the hole in the ozone layer) and public awareness raising campaigns about sun exposure – remember the “Slip, Slop, Slap” advertisements? There were targeted campaigns addressing groups at higher risk (for example, ensuring regular screening of people over 40 years of age) and tertiary interventions such as surgery to remove sun spots early and preventing their return.

The public health approach has been promoted by The Allen Consulting Group (2009) as the direction in which Australian child protection efforts should be heading and was integrated into Australia's child protection national plan (Council of Australian Governments 2009). The public health approach can be seen as informing the most recent child protection reforms in NSW known as *Keep Them Safe* (DPC 2009). Although not naming the public health model directly, the principles of universal, targeted and tertiary service structure are evident. Included in this is the aim described by Dorothy Scott (2006) that some children with need for assistance never reach the child protection system because they are identified and supported by other agencies in the community, without ever reaching the threshold for being reported to child protection services.

Other authors (I am thinking particularly here of Parton et al. (2008)) have started from a similar view of the problems in child protection – that there are so many reports made to child protection services that they cannot review, assess and respond to them all. Because of this many children don't get seen and dangerous situations go without a response. At the same time, when people are seen, the forensic nature of

the interview and assessment process is intrusive and focused on proving harm rather than working with families to resolve the problems leading to the harm (see, also, Ainsworth & Hansen 2012). Parton et al. (2008) call for a child protection approach which is focused on addressing the issues that are causing the problems by meeting families' (including children's) needs (see, also, Fernandez 2014). Taking a completely opposite perspective, Sammut (2010) says that the child protection system is currently set up for social workers to maintain their positions and power rather than being there to help children. Sammut (2010) argues that parents who have harmed their children are given a never-ending number of chances to fix themselves up when really their children should be in the care of someone who will look after them properly. Further, child protection should be in the hands of local communities, whose focus is on the wellbeing of children, not in the hands of bureaucracies whose interest is the maintenance of their status.

A public health model that includes prevention and targeted earlier intervention is promoted as an approach that addresses problems before they start or before they get bigger (Child Family Community Australia 2014a; Higgins & Katz 2008; Scott 2006). And yet, there is another side to that coin. Firstly, some authors argue that the statistical (epidemiological) basis of the public health model has been destructive in some areas. Phillips (2014) writes that this approach has created a view of Indigenous people as having problems because of their statistical over-representation in the health and welfare systems. The public health approach shifts the focus away from the systems that have caused the harm and does not illustrate the diversity and resilience hidden within the statistics (Walter 2010). Another issue is that 'early intervention' invites or requires broader-scale monitoring of children and families and government is invited more and more deeply into people's lives (Gilbert, Parton & Skivenes 2011a; Parton 2010) on the basis of an overarching responsibility for children's safety as well as their broader personal development (both in terms of their behaviour and their skills). This occurs both at a universal level where the population overall is monitored, but is even more the case for specific groups who are evaluated as being 'at risk'. This political dimension to child protection and questions about people's lives being the site of others' surveillance and examination was discussed by Wrennall (2010) in an examination of the 'Northern Territory Intervention' (the Intervention). This dramatic action was an (Australian) Federal Government response to the "Little Children are Sacred" report (Anderson & Wild 2007) in which army, social workers and health workers were deployed into remote communities in the Northern Territory on the basis of providing security for communities and protection for children. Wrennall's (2010) argument was that the Intervention served economic and political interests by allowing access to resource-rich Aboriginal lands and the benefits to governments and corporations that come from large data systems and surveillance. Other critiques of the Intervention identify the degree to which local communities were sidelined

(consultation was not undertaken) (Anderson 2007) and human rights were infringed (Aboriginal & Torres Strait Islander Social Justice Commissioner 2008). One commentary states: “What the Coalition government did with ‘*Little children are sacred*’ involved a poisonous mix of bad faith and foolishness that was barely tempered by any kind of scruple” (Hindess 2014: 94).

Returning to an earlier theme, some say that around the world children are seen as the activators of a nation’s possible futures. While all of the resources and technologies might be in place, without children to become the producers, consumers and reproducers of the future, the nation will falter. Illustrating this argument, Jenks writes “The child has become a subject in its own right, a source of identity and, more than this, *a promise of future good*” (Jenks 2005: 59-60, emphasis added). Consequently, the types of producers, consumers and reproducers that today’s children will become is of interest to all (adult) members of the nation. The ultimate effect of this is that children have ended up with a particularly revered and precarious status – all hope rests on their shoulders. Exemplifying this status in contemporary society is a statement by “one of the world’s foremost thinkers on education, leadership and change”³¹, Richard Gerver, who said during a radio interview “there’s no doubt, schools need to be accountable, you know, we’re dealing with the most valuable human beings; the most valuable human assets on earth – our children” (Mitchell 2014). This, though, has been described by others as seeing children as social investments (Lister 2006) leading to their being thought about through a cost/benefit lens.

I find many things about this current situation interesting and many things worthy of note. At the level of theory I find the question of the responsibilities that governments have with regard to its citizens very interesting as well as very important. I find questions about the impact that we have as professionals in an administrative machine worthy of lots of thought. One author provoking my thoughts about this is McCallum (2012) who talks about administrative decisions as calling certain categories of people into being – a process that produces types of people rather than a neutral naming of what is. Hand in hand with those theoretical reflections, I think about the *experiences* of different people in different situations. For example, I think about what it’s like to be a person in specific circumstances (such as being a parent) subject to the actions of others (the actions of caseworkers), or what it’s like to be a decision-maker (such as being a magistrate) about the lives of specific people (such as children). On these questions my mind rides forward and backward in time as well as outward across the globe. Continuing to see through an ecological perspective, where things do not have a boundary in time, I also see child protection as not having firm boundaries in space; child protection is both a historical and global ecology.

³¹ Taken from ACEL 2014 conference program
http://www.acerconference.org.au/fileadmin/user_upload/ebooks/Conference%20Booklet%20WEB.pdf

The global circumstance

Following from the point that our child protection ecology as we know it today is adjusted and reformed through debates and contests of ideas over time, I would like to share with you the idea that everything which is 'child protection' here is interconnected with child protection in other places around the world. The way of thinking about this that has influenced my view for this thesis has grown up out of the writing by Bruno Latour, particularly as presented in a book called *Reassembling the Social* (2005). In the same year that book was released, a book called *Global Assemblages* (Collier & Ong 2005) was also published which provided additional ideas that relate to this topic. Both of these books draw our attention to interconnections. Latour details the ways that things which are brought together for any 'social' purpose (he calls these moments of coming together 'assemblages') are deeply interconnected with things from other places and times. ['Things' includes both human and non-human elements.] And, that thinking about social situations requires thinking about the 'work' that these human and non-human things do to make situations what they are. *Global Assemblages* also talks about the connections and interconnections between things, but draws our attention to particular modern situations where regulation of action (influencing how people live and work) is occurring. While child protection is not written about in the book, it is highly relevant as so much of what is done in child protection is about how a person should conduct themselves (their parenting in particular) and there are consequences for not living in certain ways – I wrote about this earlier in the thesis as child protection's regulatory role (following Braithwaite, Harris & Ivec 2009; Harris 2011). It is also similar to the argument made by McCallum (2012) regarding the role of administration, legal systems and professionals for producing good parents through the 'conduct of conduct' (an idea proposed by Foucault (2008b)). Dunn and Kaplan (2009) also argue that child welfare professionals are one of the workforces determining which people are reformable and able to retain/regain the care of their children, and which ones aren't and can't.

The interconnections within assemblages can start at any local point and be traced in many different directions. They can be traced across time as well as across physical space. They can be traced through material items (books, furniture, icons and decorations) that are components of the assemblages (Latour 2005). An example off the top of my head is the physical layout of the Children's Court. We could trace how the court room that care and protection matters are heard in came to have the layout that it has – for example, it is not by chance that the magistrate sits above and at the front. We could look at the degree of similarity with court rooms throughout NSW and the court rooms within Australia and the court rooms around the world. How many of those rooms divide the space in similar ways, with magistrate divided and above the other participants, with court recorders close to the magistrate, legal representatives

addressing the magistrate directly and their clients behind, providing instruction. How many court rooms around the world have a witness stand singular and separate, in line of sight of all the rest of the room? We then could trace how things came to be like this – and maybe think about the legal systems it reproduced and the law systems it overturned. We could ask ‘in what ways are the court rooms of NSW symbolic of colonialism if only in their physical layout?’ This is one tiny example of how assemblages bring together different times and different places. It also helps consider how non-human elements influence the conduct of the human aspects of the court process. There are some people who have investigated the physical layout of court rooms (Bybee 2012; Mulcahy 2007; Resnik & Curtis 2011, for example) and some described how a different physical structure would make a difference to the interactions there (Hardley 2010). This quote, taken from a Western Australian court design guide, shows that court room design is seen to have practical considerations and be important to decision making as well as court ideals:

The design of courtroom facilities has a direct impact on the quality and the effectiveness of proceedings in court. For example a miscarriage of justice could result from a juror who is distracted because his or her seat is uncomfortable, he or she cannot hear proceedings or the air conditioning is too hot. Such problems are detrimental to the administration of justice as they can affect public confidence in the judiciary (Government of Western Australia 2010: 3)

Echoing aspects of, and extending these ideas, court design can be considered a more political process as suggested by this quote:

lawyers have traditionally looked upon space within the court as a depoliticized surface. This conceptualization of the legal arena limits our appreciation of how spatial dynamics can influence what evidence is forthcoming, the basis on which judgments are made and the confidence that the public have in the process of adjudication. ...

the shape of a courtroom, the configuration of walls and barriers, the height of partitions within it, the positioning of tables, and even the choice of materials are crucial to a broader and more nuanced understanding of judgecraft.

Seen in this way the space in a courtroom becomes a particular articulation of social, cultural and legal relations (Mulcahy 2007: 384).

Part of Mulcahy’s (2007) argument is that the physical structure of court rooms shapes public interaction with the justice process. She traces this through historical changes in court practice and the process of shifting from public halls to purpose-built courts during Victorian England, when the public (who frequently attended court hearings)

were seen as potentially unpredictable and 'dirty'. There are many more elements of the court room assemblage that could be investigated.

The relevance of Latour's ideas for our current focus on child protection is that the child protection approach we have here in NSW (that you all work within) is deeply interconnected with child protection activities round the world. So, while this little ecology is unique (as every rainforest or desert is), on the basis of how the different components are arranged as well as the social and political landscape in which it sits, it is not singular and not unlike others. Child protection in locations near (New Zealand, for example) and far (say, the Netherlands, England and Israel) have many similar elements. This consistency is what makes it possible for me to read research papers from places like Israel (Ben-David 2011b; Davidson-Arad, Peled & Leichtentritt 2008; Katz & Barnett 2014), South Africa (Pinkerton 2011) and Belgium (Roets et al. 2015; Roose et al. 2009; Roose et al. 2013) and be able to apply their ideas to the experience of child protection in NSW, Australia. One small example of this is when I presented things that fathers had said about their experiences with Canadian and Israeli child protection systems to Nathan, he immediately recognised parallels with his experience. It is also what makes it possible for a group of authors to compare child protection systems across ten different countries (albeit Anglo-European countries) and identify substantial similarities, along with differences in emphasis and philosophical approaches (Gilbert, Parton & Skivenes 2011b). Another example of similarities can be drawn from global similarities in child protection legislation. The legislation covering the protection of children from New South Wales (*The Children and Young Persons' (Care and Protection) Act 1998*) England (*Children Act 1989*), Ontario (*The Child and Family Services Act, 1990*), Manitoba (*The Child and Family Services Act, 1985*), South Africa (*Children's Act No. 38 of 2005*), and Finland (*Child Welfare Act, 2007*), as well as Ireland's *Children First: National Guidance for the Protection and Welfare of Children*, all proceed from the 'paramount' principle of the "child's best interests", and include support for family care and relationship, as well as attending to the express wishes of the child when care or protective action needs to be taken. These specific conceptions are contained in the United Nations Convention on the Rights of the Child (UNCROc) (United Nations Committee on the Rights of the Child 1990) and suggests this global convention is foundational to child protection systems around the world. As a final example, there is a global trade in child protection technologies. The "Structured Decision Making" tools recently purchased by the NSW Government from the Children's Research Centre – an organisation in the United States – has also been sold to other Australian states, and other countries including Taiwan and Singapore. In this way, child protection ecologies are not only similar but also influence each other.

In addition to being an interesting observation there are reasons I think this global assemblage aspect of child protection matters. My reasoning is this: the dominant

interests across the globe are the ones that are more likely to set the templates for the child protection approaches that are cut into the social landscape of different countries and different states. If an approach to social and political arrangements such as neo-liberalism, where the greatest value is placed on economic functioning and responsible, self-managing individuals, then the view of a good childhood and the subsequent child protection approach is going to be shaped around those ideas – whether it has the best cultural fit or not. This is, in effect, the argument of Wells (2015: 51-52) when she writes:

a particular model of childhood, one that originates in contemporary Western ideas about what it means to be human and what differentiates children from adults, is being globalized through international instruments and global capitalism. This model of childhood constructs healthy childhood as one that orientates children towards independence rather than interdependence, towards school-based rather than work-based learning, and separates them from the wider forces of politics, economy and society. I call this model of childhood the ‘neo-liberal model’ because of the compatibility between liberal ideas that value independence, rational choice and autonomy, and the concept of childhood inscribed in this model.

I would argue that it is difficult for a country that has a more communitarian approach to children’s place in family life to resist the individualisation embedded in neo-liberalism, including in the UNCROc. Perhaps one area very close to our working locations that this has impacted on is in Indigenous Australian child protection practice. That our current child protection approaches are founded on an individual rather than family or community value base is argued by Bessarab and Crawford (2013). These authors also argue that the current approach does not include a clear understanding of the impacts of trauma and colonisation. This would be the case for many people whose lands were occupied and colonised and where genocide was attempted (for an understanding of attempted genocide in the context of the Stolen Generations process, see HREOC 1997).

I have spent so much time going over history, describing current arguments, tracing lines of connection and generally offering a view of this landscape because it is an important part of how I understand the social ecology of child protection. These ideas make a difference to what I look and listen for when I am in a child protection space and they influenced the ways I went about this research. These ideas helped form my interest in studying documents in the first place and they helped to shape the questions that I asked in order to gather and analyse data. The next section will touch on research method and then talk more about the data analysis process I used.

Research Method

Hearing people's stories, making sense of them and reporting them to others involves work. It involves keeping some pieces of information and getting rid of others. It involves applying ideas to the information that is kept and it involves finding ways to tell the story – how things will be ordered and what will be focused on (Horsfall 2009). Each of these is a process of making choices based on views of how the world is, views of what good knowledge is and a sense of what is interesting. The PhD process requires me to be as clear as possible about these choices and to question at all times what the logic in doing the research in this way is. It's about being able to look at those choices as clearly and honestly as possible, to describe and explain them to others and, most importantly, to learn from them. That is why so much time is spent on explaining every detail of the process.

Chapter 2 of this thesis, the letter to Nathan, provides a detailed description of the research method – the steps I took to complete this research. Here, I will very briefly recap that material and provide a quick view of what this research involved. What I did not do in the letter to Nathan, and will do here, is describe the method of analysis I have used – what I did to make sense of all the information (data) gathered in the document reading and the interviews.

At a basic level, this research followed the steps I had laid out at the beginning of the process. Following ethics approval I was able to engage a parent (a father) who gave me permission to view the court file for his case and agreed to be involved in the research overall. Through this I identified a range of professionals involved with the case (yourselves) and most agreed to be involved. Only the clinician, who provided the Children's Court Clinic report, did not. With the research group in place and formal agreements arranged, I was able to commence the investigation.

To start, I read the case file, identified information relating to the parent, photocopied that information and made a new file. I sat down at a Children's Court office and broke down that file, looking at each individual document, each page of each document, and each line of each page of each document. In this process I was looking for who was writing, what was being written about, where the information came from and the nature of the comments. All of this information I compiled into a spreadsheet.

Following the case file review I arranged the interviews. Each person was interviewed twice. Generally, each interview was a combination of talking about the particular case and about child protection documents in general. The questions I asked in the interviews were developed from three distinct sources. First, there were the years of working within child protection and having some personal experience with documents. Second, specific aspects of child protection literature were explored in the interviews. To provide one example, I asked about ways in which documents may be part of child protection's 'regulatory' nature (following Braithwaite, Harris & Ivec 2009; Cashmore

2009b; Harris 2011; Parton 2009). Third, points that were raised by one or more participant(s), which seemed relevant to others, were followed up in the second interview. One example of this was the issue of gender possibly shaping responses to documents. Type-written transcripts of each interview were produced and I worked with these to undertake the analysis.

A comment about ethics

To start I would let you know that the very first chapter of the thesis – the introductory letter which is written to the Reader – contains three different sections that are relevant to the ethical approach I took to the process of writing the research. The first is the ‘Communication Tactic’, where I have included ideas about the power of writing and the way this has been written about by ethnographers and feminist researchers. The second is ‘A Note on Style’ where I described the reason for writing with letters, part of which is about the way letters help me to think about the people whose words I am writing about. The third is ‘Being careful’. In this last section I note that I have not used the real names of the people I interviewed or read documents about and also showed that I gave you a chance to have a look at the material I was going to use from our conversations. In that section I also note my intention not to write interpretively about what you have said – as though I know your mind better than you do – and that in writing this research I would not say anything on the page that I would not be prepared to say to you face to face.

In making these decisions I want to avoid a particular approach to research – treating you and the things you said as raw materials that I can do whatever I want with – and to remember the fundamental and shaping idea of inter-subjectivism which I talked about in Chapter 1. In this situation the influence of inter-subjectivism is that I don’t believe that the things you said in the interview conversation are a straightforward reflection of your separate and individual thinking on the topic. Instead, I see them as a product of your thoughts and finding words for those thoughts, as well as the work that I did before the interviews, the questions I asked (and those I didn’t ask) during the interviews and the way I interacted as we spoke; I see myself as part of creating the things that you said and the things you didn’t say. With that view in mind I have a responsibility to be careful with your thoughts as they are as much mine as they are yours.

There is an argument that when researchers believe that ethical research is achieved just by following the requirements of their research committee approval they are engaged not with ethics but with rule-following, focusing more on the requirements of the institutions we are part of than the people we are researching (Maeckelbergh 2016). Schostak (2006: 138) says of institutional ethics processes, “ ... these, speak of law, perhaps politics, but not justice and thus, not ethics”. These are important

processes, which were present in this research the whole way through and were valuable in helping me to think ahead about the research and its possible effects on participants. But, these can be mechanisms designed for protection but not for helping people to meet together and meet the risk of sharing ideas. As a result of these thoughts and the wish for something more than being protective in the research, I tried to hold you as people in the front of my mind, more than the rules I was bound by.

This approach to ethics impacted on the research process. Lyn Richards (2015) writes that de-identifying information from interviews is something we have to accept as researchers, even if it makes our reports less vibrant. She states “All writers of qualitative reports have resorted to modes of obscuring identity, and almost always they feel the report is less because of the ethical requirements” (Richards 2015: 208). This is not how I feel. I feel that the approach to ethics *is* the research as much as reading documents was or sitting and talking together was. I did not feel conflicted or limited by the approach to ethics but felt enabled by it.

Method of analysis

Being a “new-paradigm investigator”, as I called myself a couple of chapters back, means not being tied to any one method of research or analysis but having the freedom to choose different approaches to respond to different questions. That approach also accepts that there is no single approach that will provide the ‘right’ answer to complex, qualitative questions like the one at the heart of this research, as “each practice makes the world visible in a different way” (Denzin & Lincoln 2011: 4). You would know from your own lives and your own experiences that there is no one way to approach a problem and no single way to make sense of a situation. Different people can be presented with the same situation and the same lot of information and either approach it differently or find different things in it. People are different, the world is multiple and when people and situations come together the different and the multiple increases complexity. One of the things that I accept is that there is no single correct view of situations or information that is right and true to the exclusion of other perspectives. Those ideas were part of the move away from positivism actively developed in the 60s and 70s and lead were part of what led to postmodernism (Berman 1990). I say this because I accept that there are different approaches that could have been taken to my research problem and to answering my research questions. Firstly, how I went about gathering the data could have been different (I could have sent surveys to hundreds of people, for example) and second, how I have gone about making sense of the data could have been done differently. Each different

approach would have offered a different view. I do not think they would have been more right.

What I am not trying to say, though, is that everything is equally good and that anything made of a situation can have equal merit. In building a bridge, some will stand up and can be used, while others can't. They will not all look the same or use the same materials but there are some that will do the job they are designed to do and others that won't. When it comes to research I think it is okay to have different approaches but also to judge the value of different approaches or interpretations. There are some different criteria I would use that I talked about in the first chapter, under the heading 'How do I Evaluate my Research'. To remind you of those criteria I said:

- first, the research and its arguments have to be logical and internally consistent;
- second, the research has to be true to its purpose – it has to be doing what it claims to be doing;
- third, it can't have double-standards;
- fourth, it must be reason-able;
- fifth, it must have been conducted care-fully and ethically;
- finally, it must be as honest as possible regarding the various parts.

This is the foundation of my view of good knowledge (my epistemology) that was described in the first chapter of this thesis. All of this is to say that I acknowledge there might have been different possible approaches to the analysis of the research data, which would found different things and made different conclusions. I think, though, that what I have done here is a reasonable approach and the conclusions I have reached are reasonable based on the approach taken.

The approach taken

Overall, as a highest order principle, the research and analysis method that I used was shaped by an approach called "Emergent Qualitative Document Analysis" (QDA) which was described by David Altheide and colleagues in 2008. These authors wrote about their studies of the ways that the media (especially newspapers and news programs) presented certain ideas and categories of person (for example perpetrators of violence). Through this they could trace the ways that particular ideas or categories of people are talked about, what other ideas and situations they were linked to and what meaning they seemed to generate in the public view. One example of their research was the use of the phrase "innocent victim" in news stories, another was research that looked into rap music and traced use of the terms 'pimp', 'thug' and 'gangsta' (Altheide et al. 2008). They found that the idea of innocent victim was used when the author wanted to deny that the person affected by something had power to control

the situation – perhaps when something bad had happened to a child. In the rap music study they were able to trace how ideas such as ‘thug’ were drawn into rap music from earlier ideas about anonymous or not-too-harmful criminals, but when linked to the term ‘gangsta’ both thug and pimp take on a very negative meaning. While I did not use the structured approach to studying documents that these authors demonstrated, their description of developing and exploring questions and *being with* research data is something I found very helpful. These authors wrote “QDA involves immersion, exploration, contextual understanding and emergent insights into social meanings, relationships and activities” (Altheide et al. 2008: 134). They described an ethnographic method, which means to be as close to the situation as possible and understand it from experience, while testing ideas and finding evidence in a structured way. They also argued that QDA is a realistic research approach that allows “the freedom to mix interpretations and meanings with imagination”, while not sliding into a process of just making things up. What I have taken from the QDA approach is not to stand back from the data, arrange, sort, take apart and dissect, but to step into the data; to treat the data as something I am talking with, being provoked and stimulated by and to which I can talk back at times. This method of analysis requires insights from multiple perspectives, including my own knowledge & experience of the child protection context, as well as numerous readings of all data.

Following this highest order approach to the research, there are other levels that need to be considered. They might be summed up through questions like “what exactly did you look for when reading the documents and the interview transcripts?” and “how did you make choices about what to include and what to leave out?”

The way I approached the documents

As well as being somewhat slow, this research process has been somewhat fluid. The bucketful of ideas and plans I poured out at the research beginning point has flowed and meandered along its course, twisting and turning in response to different features of the landscape. While I had a sense of where this all was going, and roughly the direction for getting there, I could not always predict the obstacles or opportunities that would shape the actual course. The method I used for analysing the documents is one example of an unpredicted change in the flow of my thinking.

I had planned to analyse the contents of the documents for the discourses – the power-filled ideas about things – they contained and how those discourses were used to achieve certain views of people and problems in the documents. I imagined that court documents might hold big, non-specific, influential ideas such as “the child’s best interests” or the notion of “parenting capacity”. I was interested in how those ideas were presented in court documents, how they were given meaning in this particular case, the evidence they were based on and their links to other ideas or times or places or people. This kind of analysis is informed by an interest in discourse and follows in

the steps of those who have been influenced by the thinking of Michel Foucault (see, for example Bell 2011; Bevir 2011; Brown 2006; Carrington 1993; D'Cruz 2004; Hall & Slembrouck 2011b; Prior 2008a; White & Stoneman 2012). This approach would have been particularly informed by 'critical discourse analysis'; most thoroughly demonstrated by Norman Fairclough over many years of research and writing (see, for example, Fairclough 2010a). That approach was effectively used by Dunn and Kaplan (2009) in their examination of the court file of a man on death row in America. It also incorporates ideas from global assemblages (Ong & Collier 2005) that extend the view of local action and consider how a global networking of ideas and practices influences lives at a very local level. These seemed to me very powerful tools and helpful for analysing influences operating in local settings. It seemed useful to indicate how a phrase as small as 'parenting capacity' could be so hard to resist, have such huge consequences and lead to such strong reactions. But, there were ways in which I also became uncomfortable with discourse focused approaches. One of the issues I had was that researchers seem to think that because an idea is written or spoken – because they can identify a particular discourse being in existence – they can state or suggest what the effect of that discourse will be. This is something I thought about the work of Fairclough (2010a) and have since come to think about the research of White (1997) and Stanley, Plessis and Austrin (2011).

Discourse analysis was part of my plan until the return of my interest in writing – the actual process of arranging words and putting ideas together for documents. At the same time I remembered my agreement with the idea that we (people) seem to hold our knowledge about ourselves and each other and the world as stories or narratives (see, for example, Combs & Freedman 2012; Elliott 2005; Ewick & Silbey 1995; Moya 2009; White & Epston 1990). That started a course of reshaping the analysis of the documents. I read more about narrative analysis – most importantly narrative analysis from literature and fiction (Lodge 1992; Porter Abbott 2008; Rimmon-Kenan 2002; Stern 1991). In addition, the recent writing of Clive Baldwin (2013), where narrative elements are identified in social work writing, was an important influence. This material provided a new lens through which to view the documents and I found myself focusing on the structure of the writing in terms of narrative elements. This is the primary aspect of the document review that I present below.

The way I approached the interview transcripts

With the documents I was looking at things that had been written and how they were written. With the interviews I was looking for the ways you talked about the different topics I was interested in finding out about, as well as looking for new aspects (unexpected ideas) that arose as we talked – especially things I hadn't thought about and hadn't come across in the literature.

Differently from the documents, I had been involved with the interviews from the beginning – setting the questions, arranging the people to talk to, sending out invitations and consent forms. In this way I had a different knowledge of the origin of the data and had a different level of control over the things the data would address. Also, I was analysing the interviews as they were happening, reflecting what Schostak (2006: 72) wrote: “interpretation, then, begins with the interview itself, before, during and after”. I was making comments about the things you said – sometimes to clarify and at other times noting the things your comments reminded me of. At other times I was adjusting the questions as we talked. This is one example of what Lyn Richards (2015: 6) means when she writes: “data making and analysis are simultaneous, not sequential, stages”.

After the interviews I read the transcripts of our conversations and looked at the ways you (as well as Nathan) talked about particular things I was interested in knowing about – the topics I brought to the interviews that guided our conversation. I found the ways that each person responded to each topic and grouped all of that material together in an excel spreadsheet. There were some conversations where one topic was mentioned a number of times. Sometimes the topic was mentioned in both of our conversations together. Many topics were clearly talked about by each person. For example, each person, in at least one of our conversations, talked about ‘fairness’, ‘gender’ and ‘literacy’. That provided a good weight of information on each of these topics. For other topics there was less information clearly related to it. Though I might have asked you each roughly the same questions the talking went in all different directions after the question was asked. Some of those directions were not clearly related to the topic. This is described by Agar (1983) as an “associative slide”. Because of that, there are many times where I don’t have information about a topic from each person. That is to be expected. It is also why some topics below have more quotes and others have fewer.

Like I said, though, these were conversations. I did allow myself to think and to respond to what you were saying; to make connections with other ideas during our talking. I also tried to listen to what you were saying – were you talking about the topic I thought it was or were you talking about something else? I also followed my knowledge of these documents that comes from my time working in child protection and from other places. I heard what you were saying about things but also knew that I was an active part of the process. I have taken a similar approach in analysing the data and reporting the research. By approaching the research and the document in this way I hope to let you speak about child protection court documents. At the same time, I want to show the ways that your comments led me to connections with other ideas and other experiences. Overall, I have approached the analysis of the data in this way – I separated the overall body of the conversation “into smaller segments of meaning” (Ellingson 2011: 595), choosing each piece of content because it said something to me

about the topic. Then, rather than analysing your talk or commenting on the things you said, I have tried to let your words speak on the topic. In this way, I worked towards my overall purpose which, as I have previously said, was to expand my own thinking about child protection court documents, ending up with a rich description of the documents themselves and people's experiences of them.

This all might sound like a neat and controlled process but often it seemed like a collision between different elements; sometimes it felt like a conflict of wills between the different data. Thinking this out through drawing (shown below as Figure 9) I came to see it as an 'analytic collide-a-scope'.



Figure 9: The noisy analytic collide-a-scope. Pen and texta on paper.

There are reasons I have approached the research analysis in this way – being descriptive rather than interpretive. The strongest reason is that I prefer not to write interpretively about the things you said – to suggest that I have some special access to meanings within what you think, feel or say. This is informed significantly by ideas from narrative therapy, where the therapist's position as having access to a greater truth than the person living with and talking about the issues, was challenged and rejected (see, particularly, Bird 2000; Combs & Freedman 2012; White & Epston 1990). Also, I am not interested in judging the quality of comments made during interviews and I am not interested in judging the court documents – suggesting they should have been written in some different way. At the same time I want to show how I have responded – to show the thoughts I had when listening to (or reading) what we said about our conversations, or connections I made when reading the court documents.

Another reason for avoiding interpretation is that your talk is a sufficient knowledge-base in its own right – it does not need my 'expert' view to make it mean something important. A narrative therapist from New Zealand, Johnella Bird, whose political and poetic writing about therapy I come back to over and over again, writes about the ways that people's lives and people's professional practice is commented on and evaluated by experts whose authority comes from their having written and published on a particular topic while those who have not published don't get recognised despite their experience and understanding (Bird 2000). In a section of her book that invites the reader to reflect on and challenge the power of books to judge and evaluate practice knowledge, she writes: "Authorship is a dominant western cultural strategy for the securing of ownership of ideas and practices. Its dominance can relegate conversation to the status of free floating ideas and practices" (Bird 2000: XV) with the consequence that conversation is not viewed as being worthy of equivalent recognition or respect.

I don't provide Johnella Bird's comments to suggest that we should get rid of writing all together. She has, of course, put forward her argument in her own book. What I read her book as saying is that writing should be done with self-reflection so that we can see it as one form of communicating and one way of developing knowledge, but it does not exclude all other ways. What it also says to me is that the author of texts does not have access to a greater truth than those who speak or draw or use sign language, can have. In this thesis I see writing and reading as a continuation of reflection – an engagement and conversation – not the board to which flitting facts have been pinned; not the gravesite we can visit to find the death of uncertainty and possibility; not the final, but another, word in an ongoing conversation about the worlds in which we live.

Writing for 'publication' (that is, edited writing designed to be shared with others; this thesis or court documents are examples as much as research articles and fiction) is a

means of organising my thoughts and provides the chance to write and re-write until I have a representation I can rest with. At the same time, this kind of writing is a (more or less deep) process of editing – thinking about what can or should be said in order to provide a certain worked version of the content – and through that process a lot of material is carefully put to one side. Perhaps it is like a sculptor – taking a block of stone and painstakingly chipping away until only the final form is left. Ellie Wiesel said of this kind of approach to writing:

Writing is not like painting where you add. It is not what you put on the canvas that the reader sees. Writing is more like a sculpture where you remove; you eliminate in order to make the work visible (Friedman 1984).

Writing, particularly writing the words spoken in interviews, is a process of artful selection of wanted portions of text, then trimming, whittling and smoothing the surface. The end result might be a section of text where the little bumps that once existed, or other branches broken off from the desired stem, are no longer visible. In working with interviews and any other data there is a process of asking the reader to trust the researcher that these processes make an honest attempt to reflect what the researcher believes the interviewee was trying to say. In an attempt to provide some openness to the ways I have gone about selecting, trimming, whittling and smoothing, the next section demonstrates how I might have approached a piece of interview text if it were to be used in the thesis.

Presenting the interview data

Our conversations are a very important part of the body of this thesis; sometimes I would like to put the whole conversation into the document. But, as you might remember from when we talked, my questions were not always clear and direct, your answers sometimes changed direction as you formed them. Because of this, to help the reader and bring them to the key points of our conversations, I have gone through and cleaned comments a little before including them in the document. I have removed the fumbles, the hesitations, the small sideways comments that came up in talking so what is on the paper is a flowing comment about the particular topic. Some might see this as removing the naturalness of speech and imposing my own will on the data. But others say that this kind of adjustment is an acceptable part of representing data (see, for example, Mears 2009). To illustrate the kind of thing I am talking about, I will show two representations of a question I asked Cara and her response.

This is a 'raw' or an 'uncleaned' version, cut straight out of the typed transcript.

Interviewer: Ok. Just on a side-line, because this is talking about that other side of things, and it's talking about the other guy but not... and not yourself and your involvement in the documents, how

important... what difference do you think legal representation makes in being able to communicate with and present to court?

Respondent: Oh...

Interviewer: Can people do it well on their own if they're...

Respondent: ...I have seen it...

Interviewer: ...or what does it take?

Respondent: ...I have seen it done well...

Interviewer: Yeah.

Respondent: ...by a client on their own. But personally I don't believe so, I think if you're not represented it's very difficult to have the same equal standing in the court arena.

A cleaned version, that presents the clear communication of the question and the response, would be presented as:

Question:

1 *Just on a side-line ... what difference do you think legal representation makes in being able to communicate with and represent to court?*

Cara:

1 *I have seen it done well... ...by a client on their own. But personally I think if you're not represented it's very difficult to have the same equal standing in the court arena.*

I hope this provides a sense of the difference between the ways that our conversations flowed or bumped along and the way I have presented them in the following sections.

Why it is important to study these documents

In the letter I wrote to Nathan, I said that much has been written about documents and the study of them. There has been some examination of child protection and social work records and their writing (see, for example, Dunn & Kaplan 2009; Prince 1996; Roose et al. 2009; White, Hall & Peckover 2009). Very little, though, has been written in the social work or welfare context about court documents. One social work

example where court documents have been a primary information source is Baldwin (2013). In this research, though, the documents were used as the illustrator of narrative processes in operation rather than being the subject of study in their own right.

In addition to it being a gap in existing research there are a range of factors that make studying child protection court documents particularly important. First and foremost, the Care and Protection aspect of the NSW Children's Court is, as a Children's Court magistrate said³², "document driven". This means that every step of the Children's Court is linked to documents – nothing happens here without them. When, in my interview with Simon, I asked "*how significant are documents in this kind of a care matter?*" his response was:

1 *Very, very significant because ... all evidence has to be by affidavit... ... so you don't have witnesses coming in to be cross-examined without first having their material on affidavit ... it's paper-driven ...*

The Children's Court runs on documents and documents are the way all people relevant to a case are seen and heard by the court. Following that, all primary evidence is presented to the court in document form. The effect of this is that any argument an individual wants the court to hear, must be presented as a document. A matter that goes to a hearing involves testing the evidence that was previously presented by an individual in their documents.

Proceedings are commenced by one party or another making an application to the court. This application is supported by affidavits – sworn statements of fact – and (possibly) a clinician's report – an external and expert opinion regarding the relationship between child and parent(s) as well as the parents' capacity to undertake that role. A proposal for the care and protection of the child is provided in the form of a Care Plan and suggested or proposed orders that might be made in the form of a 'Minute of Care Order'. All of these items are presented in document form.

It is not a new thing for documents to be the source of evidence in court cases. Again, my interest in the continuation of history leads me to want to note that in the courts of ancient Athens affidavits were used from 380 BCE as the form of evidence in many court cases (Bonner 1927). Bonner (1927) reported that the reason for this was that written evidence helped cases progress more quickly and led to more consistent legal practice. That is the same reason provided by Mann and Blunden (2010) when

³² This statement was extracted from the Court File studied for this research. It was part of the file relating to another child of the parents. That child had been through the court process and that file was attached to the proceedings for this matter.

presenting a contemporary view of affidavits in legal processes. That documents help court cases progress more quickly was also noted in our interviews. Margaret, for example, said

So it's designed no doubt to just minimise the need to give oral evidence, to keep it ... as far as possible, on a tight rein. And to follow the civil procedures of the courts, otherwise the matters could just ... go on forever. ... And matters are to be dealt with in a timely matter, and there's a practice note to suggest that they should all be dealt with within twelve months. So documents certainly mean that that can happen.

In the case I mentioned earlier – Wellesley (Lady) v. Wellesley [1828] – forty affidavits were produced by various parties in the matter, as well as other documents such as letters (Wellesley (Lady) v. Wellesley 1828). To be educated enough to produce this many documents, or to be wealthy enough to pay to have them written, illustrates the argument by Fogarty (2008) that taking this kind of court action would only have been available to the wealthy and well educated – those who could employ lawyers as well as write and read well. Such cases were not brought by the State and there was not publically provided legal representation, as there is in NSW today. Therefore, it all rested on the resources of the individuals in the matter and their families.

In an earlier matter (De Manneville v. De Manneville, July 1804³³) the court was asked to decide whether a father should be allowed to retain custody of his child even though he had treated his wife badly³⁴ and was intending to take the child out of the country, or whether the child's mother could retain custody of the child even though she was living in an adulterous relationship. In the De Manneville v. De Manneville matter there was legal argument as to whether the affidavits of Mrs De Manneville should be read into evidence as it was the word of the wife against the word of the husband and anything short of "a breach of the peace" meant she could not speak in court against him. This illustrates that in courts it is possible for the words of some people to count for less than the words of others, depending on the attitudes of the times.

Much has changed since those times, attitudes and court processes have changed, at least to some extent. But, despite an increasing use of alternative dispute resolution mechanisms (such as conferences, where people sit down to talk and try to agree on a way forward) documents remain the means by which any formal care and protection process can be commenced and the only way that the magistrate can be addressed.

³³ De Manneville v. De Manneville, 10 Ves. 52, and 12 Ves. 203.-1

³⁴ An interesting reference to domestic violence arising in this case states: "a husband, endeavouring by what is called cruelty and ill usage, which undoubtedly may be most aggravated, though no blow is struck ..." (De Manneville v. De Manneville 1804)

Because of this documents become the mouthpiece for all parties and the form of response when a party wants to protest to a neutral and external decision-maker. Therefore, while not ignoring all the other mechanics of the court, it is important to understand documents – what they are like and what they do – and their place in the care and protection ecology.

Do you mind if we take a break?

Cara, Mandy, Margaret and Simon

I am wondering if we might take a short break. It feels as though we have been travelling for quite some time now and maybe not got very far; sometimes it seems that we have to cover a lot of ground before we can begin to get somewhere. The section that comes next is likely to be dense with detail and will require a lot of attention to get the most out of it. Therefore, I am going to stretch my legs, make a cup of tea and get a breath of fresh air before continuing. I encourage you to do the same.

Chapter 3, part 2.

Thank you for that moment. I feel refreshed and hope you do, too. Let's press on.

Starting to understand these documents

My experience and our conversations have taught me that writing for court has specific rules and is different from other kinds of writing. This suggests that it is a specific genre of communication. As an example of this, something that Mandy said when we were talking indicated the difference between a letter written to a parent and court documents. She said of letters to parents (even when highlighting issues that need to be addressed)

It's not as detailed as anything we would put in court. ... it's in their language, not our court language ... it's probably not as confronting and it wouldn't have as much detail. Whereas court documents list this incident occurred on this date and this is the outcome and this incident occurred and the police were called and these were the injuries and a lot of detail.

In the field of literary theory, genre is talked about as a series of “principles and rules that govern” different forms of writing (Stern 1991: 138). These have the potential to be very demanding and Stern (1991) suggests that they shape readers’ as well as publishers’ expectations of what a particular story will be. He argues that breaking the rules of a genre may lead to the item’s being disliked or ignored by either one or both of these groups.

In social theory, though, genre has come to be understood as something in addition to these requirements relating to form. In the social sciences, particularly new rhetoric studies, genres are places of social action (see, for example, Bazerman 2013a; Miller [1984] 1994). That is, genres are a part of forms of activity in our world. Acknowledging Miller’s influence in developing these ideas, Schryer (2012: 32) states “Miller asserted that genres were, in fact, forms of social action – that they functioned to coordinate the work of organizations or to accomplish some kind of significant task”. Applying these ideas to the court documents you might say that there are expectations about the ways court documents are laid out and the types of writing they contain. If the person writing does not follow these expectations, they may not

be accepted by the court and the whole court process would not proceed at all or might proceed without their evidence being included. Another way of saying this is that documents presented with the right structure and contents in the right type of language will be accepted and the court process will go ahead. To add one extra element, the expectations and rules can be very firm but they are not unchangeable. Referring to one of Bakhtin's insights relating to genre, Schryer (2012) reports that genres are stable, flexible and open to change all at the same time. They are stable enough for their habits to be learned, understood, communicated, taught and used purposefully. At the same time, they are flexible enough to be adapted for different sites within a similar context (for example Family Court instead of Children's Court) and open to changes over time – as people who have worked in this field for many years, I am sure you have seen a lot of change in the ways that court documents are prepared and presented.

To remind you of the importance of these documents and their genre, the affidavits which are submitted to the court are its evidence in chief; they are statements of fact that the author must be willing to defend. At the point of signing the document the deponent either swears or affirms that the contents of the document are true. The significance placed on the need for truth in an affidavit appears to be both practical and personal. It is practical as a reflection of the truthfulness of evidence before the court and of the reliability of the person as a witness overall. Simon stated:

1 *if the court makes a finding that someone's sworn an untrue document that goes to their honesty and the court can then apply that to the rest of their case... ...as well and determine that they find them a dishonest witness and therefore unreliable. ...*

This was more emphatically stated by Margaret who said:

I think there is a great need for the author of the document to perhaps be ... strictly honest in their observations and conclusions if possible, particularly in this court context where I'm asked to draw inferences and make decisions on what is before me in an application ...

They are on oath. And I sometimes think they don't really understand that, but they are, they are swearing that what they're telling in that document is the truth ... I have said it to people, 'why are you so careless in what you have told me in this affidavit because that means I cannot rely on a word you say. ... This is not just... ...a piece of paper to tell me what you think I want to hear'

The accuracy of the document is personal in terms of professional integrity. It also influences relationships with people in the present or the future. Cara said:

I always, always have that in my mind – am I going to be able to sit across the table from that parent and say 'yeah, this is what I wrote about you' or whatever it is and be okay with it. And it is absolutely true and correct ... from the information I've got ... You know, I'm held accountable by law in court.

Affidavits need not to present opinion or hearsay. It is expected that these materials are not interpretive and are presented with as much accuracy and impartiality as possible, as summed up by Simon:

The house was filthy isn't factual, it's just a general description ... you need to be honest and you need to be factual and not opinionated and you can't draw conclusions in an affidavit. Affidavits need to be what you saw, what you heard, what you touched, what you smelt. It's not meant to be "I think he did it".

What you said, and what I have read elsewhere, is that in addition to being factual, documents must be fair representations and balanced (as opposed to partial and selective). Where information from other sources is used it must be a fair reflection of the content and its meaning. It is the duty of all parties not to misrepresent a situation or the contents of another document through selective reporting of it. There is a particular responsibility on Community Services to provide full information, as Cara indicated when she and I were talking:

1 *I think that that's something we're improving on as well, that, you know ... if some other system's going to let them down we need to be making sure that what we produce in the court is as fair as we can be...*

There is a degree to which this openness and honesty is linked with an intention to reduce the adversarial nature of court processes. Mandy described it in this way:

1 *it goes to the fact of trying to uphold that it's not adversarial, but it also goes to my own beliefs, ethics, morals, that what we're doing ... we're removing children and making decisions about where they live, and it's a very... very difficult decision to make and the best way to go about that is to try to work with the family, and try to get them to work with us in a way that we can together make the right decisions for the children. ... we've also got ... our policies and practices around being transparent and being open and honest, it goes along with that as well.*

Something I might have asked you about when we talked was how fairness and honesty, being open and factual work when each different party is trying to get the magistrate to see the situation from their perspective. I might also have asked about the forms of persuasion that are used when writing documents and how readers respond to that persuasion. This would have been an examination of rhetorical processes you engage with as writers and readers.

Studies of rhetoric are, in a large part, investigations of the devices used in telling a story that help the story to be as convincing as possible (Bazerman 2013a, 2013b). A range of social science researchers have thought about this question of rhetoric in social work and child protection communication and it is interesting in some ways. They have listened to 'case talk' between workers and also read case files to see the ways that social workers construct and/or characterise their own work as well as the people they are working with (see, for example, McFadden 2014; Pithouse & Atkinson 1988; Urek 2005; White 1997). Another researcher, Clive Baldwin (2011, 2013), talked specifically about forms and strategies of rhetoric in child protection court processes – including a specific examination of a clinician's report.

Researchers who have been examining rhetoric (I mentioned some of them in earlier sections) mostly looked at workers' spoken or written communication but didn't talk with them about that communication. Asking workers to reflect on their writing and reading was not part of their research approach. Their writing on the topic was about the workers and the things they said and wrote and some of it has a habit of treating the individual workers as though they don't exist as people. In this research workers

are described as selecting facts to fit their version of events (Urek 2005), writing in ways that secure their professional status, at the same time as allocating a lower status to the parent they are communicating about (Baldwin 2011) and creating a particular version of events after they have happened, through selectively arranging fragments of morally-loaded information (Pithouse & Atkinson 1988; White 1997) . While these might be things that the workers' talking and writing seem to reveal, I experience their research as a process of making insinuations about competence, suggesting the moral characteristics of workers (especially that they are partial, judgemental and unaware) and the researchers positioning themselves as not doing these things. The researchers' rhetorical strategies are often not explicit. Maybe this is what makes some subjects of research frustrated with the end result.

In spite of an intention to represent people fairly, and the aim that the court process will be non-adversarial, there is no guarantee that there will be agreement about what is written in court documents. It also does not guarantee that what is written is true. But, rather than having to prove the accuracy of anything which is written, any evidence that is presented in a document and not disputed by an individual should be taken by the court as fact. As Simon said when we talked:

,

1 *So, if [it is written in an affidavit that] X, Y and Z happened then those things are taken as factual unless you rebut them ... you need to answer the allegation or the court can take it as being true.*

As I am sure you can all imagine, though, where documents run to tens or hundreds of pages in length it takes a lot of work for someone to review and rebut every item they don't agree with, especially if they struggle with language or literacy. .

In addition to presenting factual material, you told me that documents need to be written clearly, present relevant information and be accurate. This is also part of the affidavit genre. Poorly written documents, for example where there isn't a clear sequencing of events and the flow of information jumps from one thing to another, can make it difficult to understand what actually happened. Further, presenting information which is accurate but not necessary causes difficulties. This is particularly the case with material that is dramatic but not relevant. Another problem is when material that has been provided in one document is later shown to be inaccurate (particularly shown by subpoena material). Margaret covered many of these issues during our conversation. Things she said were:

And look I know that some parents, for which I don't blame them, there's... the material here at this point is perhaps hearsay, and some of it may not necessarily be borne out by further evidence. And a lot of parents get very upset about that. Very upset. ... I don't think you need to put in every bit of scandalous material...

... some of the outrageous allegations ... when you get the subpoenaed material sometimes it's not borne out at all...

This body of ideas and problems reflects what was written some years ago by Magistrate Crawford regarding affidavit evidence in the Children's Court (Crawford 2004). He wrote that except in unusual circumstances affidavits are to be the primary form of evidence put before the court. Of their benefits he said that affidavits help with the overall orderliness and speed of the process, as any oral evidence focuses only on disputed issues in affidavits rather than putting forward the entire case through oral examination and cross examination. In addition, through affidavits all parties can be aware of the points of disagreement and the arguments being put forward in the matter. Affidavits also provide relevant background information for experts such as clinicians. The possible dangers of affidavits were also identified and warned against by Magistrate Crawford. Specifically, a key danger to beware of is the potential for affidavits to be selective and thereby misrepresent other documents. He also wrote that documents should be focused and restrained – that is, only including the information that is required to make the case.


From the ideas put forward by Magistrate Crawford and from the things you said to me when we spoke, I can't help but think of child protection court documents as wild beasts; they require expert handling that may take years to master. This is not the skill set that most caseworkers enter child protection services with. Cara said when we spoke:

there is a trick to actually knowing what the court needs to know, and where to put certain information ... You come in as a case worker ... we're not legal PAs ... you'll hear that quite often with caseworkers, 'hey, I wasn't trained for this'... ...learning the whole legal terminology, the legal field, the legal expectations, the dos and don'ts ... that takes a long time to learn.

From what you told me and what I have read, the skill in writing affidavits is not only knowing what goes where and learning what to include and what to leave out. The skill is also in writing a document that tells its story well. That is the advice of Magistrate Crawford (2004) drawing from an earlier commentary on affidavits:

"Affidavits should be regarded as a form of communication. They tell a story. They should communicate simply and clearly. They should be attractive to read. They should exude style." Matrimonial Advocacy and Litigation (1993) Greenslade p.116.


It is also the gist of a comment made by Simon:



I think you've got to put the full picture, and I try and do affidavits that are detailed enough to give a full picture of my client. I try and draw a picture that's a really interesting story.


I like to see other solicitors pick up my affidavits and the magistrate and read it, and keep on reading, and keep on reading because they can see a story of this person's life from the beginning, right through till now, and it's telling you everything about them and it's consistent in its honesty and about the behaviour of the person.

To my outside eyes, the importance of the documents is also indicated by the level of work that is put into their development and review before filing in court. The Community Services staff reported at interview that these documents will be drafted by the caseworker, reviewed by the manager, sent to legal officers for their assessment and comment – ensuring that it meets the legal requirements and is written in a suitable format (that it adheres to the genre) – before being returned to the caseworker and manager, suggested changes being made, signed (sworn or affirmed) and then lodged. Mandy said about the initiating affidavit that:



the case worker drafts the documents based on information from our various sources ... it then comes to [the manager, who will] read through and make sure it's clear, succinct, the risk of harm issues are clearly communicated. ... I forward it on to our legal representatives who then do a final review ...

And Cara said:



So in any document that the caseworker drafts there's always the involvement of the manager casework, you know, whether that's conversations then reviewing them, amending, whatever it happens to be, then our solicitors always settles those documents. ... they need to settle the document, make sure it's in legal terms, and then we would file it in court and then serve it on all the parties.

As Cara said in the interview extract above, the documents are drafted based on information from various sources. In the first instance these sources include records of current activities such as assessments and interviews with specific people and the agency's own database of information covering previous involvement with the family. This, though, may not be a perfect and complete record. In some cases material might be missing due to error at the point of creating the record, as Cara noted:

... you know, you might open up our computer system ... [it says] there's an interview occurred with mum 2011 or something, 'see attached interview notes', and you click on it and they're not attached. You know, it's two years, three years down the track, that caseworker's long gone, those notes are forever missing.

Alternatively, an omission might be due to records not having been created at a particular point as Nathan pointed out. He argued that Community Services had returned a child to his care during a critical moment and yet that action was not documented. When he later attempted to argue his capacity to parent and be responsible for his child and argued that those previous documents, showing that Community Services trusted him enough to return the child to his care would demonstrate that, he was told that the documents did not exist. In his words:

And so six months later [the child is taken into care again] but we're not together this time and they don't even ring me. You know, three days later I find out she's in foster care. And then when I approach them I say 'listen, what happened this time?'

... 'we don't know what you're talking about, we don't have any paperwork, we don't have nothing, sorry, we don't know what you're talking about'.

There's nothing that says '[father] took the child home on that Friday; we gave him care and responsibility'...

Many of the things that were described are things I also remember about affidavits. I also remember time pressures, especially for initiating affidavits attached to the Care Application. I remember one time writing an affidavit outlining the history of the agency's involvement with a particular family and their child. The other caseworkers and manager, who had been involved in that case over time, were doing other work such as meeting with the parents, ensuring the child was in their placement and making arrangements for the child and parents to see each other. I had had no involvement with the family at all, nor was I an experienced caseworker. But, I was required to present to the court a list of the existing child protection reports and agency involvement with the family as they were recorded in the file and computer

system. There was no way to verify if any of the information was accurate or a reasonable description of what had happened. I could, in all honesty, affirm that I had accessed the agency's records and reported those faithfully, but there was no way I could address the kind of issue that Nathan pointed out here. Regarding the issue that Cara spoke about – there being gaps in the agency records – I couldn't know whether there were any gaps like that. I also don't know how I would have written the affidavit if I had come across one. Would I have reported that gap to the court, or would I have just moved on to the next record and reported the material that was there? I wonder what reporting the gaps would do for the story presented in an affidavit.

Using narrative to deepen my understanding

In my letter to Nathan I talked about my interest in narrative and thinking about stories presented in court documents and talked a little about the stories I saw. It seems reasonable that affidavits and other court documents could be thought about as pieces of literature, especially when we think about affidavits as “compelling stories” whose writing requires a high level of skill or craft, where a great deal of work has been put into the drafting, editing and reviewing prior to ‘publication’. That their contents can be “inflammatory”, “scandalous”, “turgid” and “sour relationships”, as some of you told me, provides an early indication that these stories have consequences for different people in the court process³⁵.

To provide a very brief review of key ideas about narrative in the context of literature, there are characters – the personalities in the story; events – the specific things that happen; the story – the overall plot that is being presented; point of view (focalisation) – the perspective the characters and the events are being described from; authorship – who creates the text; and readers – the people the story is being created for. There can be primary readers and secondary readers (the person or people the item is written for and those others who will also read it) just as there can be the perceived author and secondary authors (those who also shape the text but don't have their name to it). Interestingly, Porter Abbott (2008) describes the story-building processes in court as a “narrative lattice-work” where versions of events and depictions of people are constructed to compete against each other in order to create the most forceful story in order to convince the judge.

To explore the storied and literary nature of child protection court documents I would like to go through the individual documents in this matter one by one. Following that, I would like to talk to you about what different people said about the things they have seen as the effects of child protection court documents. In starting on this process I would like to suggest you each had primary roles relating to these pieces of literature. For example, I think Nathan was primarily a subject or character in the stories, Cara

³⁵ This notion of document effects is at the heart of my research question and is something I will come to later – in the third part of this chapter.

was primarily an author, Mandy was an editor and/or publisher, Margaret was the primary reader or intended audience and Simon was, perhaps, a critic – a secondary reader with a particular role to question the strengths and find the weaknesses in the stories.

The documents more deeply

I don't know if this will be tedious and mundane or interesting and useful to you, but I want to take a little time going through the documents in the court file one by one. When I asked Cara how often she gets to go back over court documents – read what she wrote in the past – she said it might happen if someone was going to be cross-examined on the evidence they had presented to the court but other than that they were rarely re-read. Specifically, she said:

1 *we spit out documents here all the time and we never get enough time to go back and reflect and go well ... what did that mean and would we do it differently, or how did that affect us, or them, or someone else, or... you know.*

Children's Court documents are also privileged information – they can't be shared with other people without the Court's permission – therefore, I'm also guessing you don't often get to hear what an outsider sees in the documents.

In writing about each document I will include your comments, my thoughts and material from other sources – theory and research. I will also note how the document reflects elements of narrative. By doing this I hope a multi-dimensional view of documents will be provided.

Application and Initiating Affidavit

Date: reference date (late 2011)³⁶


The first the Children's Court knew about this matter was presented in the document titled *Application and Report initiating care proceedings: Section 61(2) Children and Young Persons (Care and Protection) Act 1998* (the Act). The Act requires that if a child or young person is removed from the care of their parents or any other person, or from a place and not returned to the care of the person with parental responsibility, Community Services must apply in writing to the Children's Court for a care order. Accompanying that application must be a written report which, according to the Children's Court Practice Note No. 2, must:

³⁶ In order to assist with anonymity for this case I have not provided a specific date for any part of the material. In order to indicate the passage of time and the time periods between documents I have indicated for each following document how long after the first document they were submitted to the court.

... succinctly and fairly summarise the information available to the Director-General, sufficient to support a determination that a child or young person is in need of care and protection and any interim orders sought (Johnstone 2013).

Upon filing this application and its accompanying report, the seal of the Children's Court was attached. As Margaret said in our first conversation, "it has to be filed to commence proceedings"; filing the Court documents "enlivens"³⁷ them. After filing, these items must be served on the relevant parties. They are also read by the magistrate before hearing the matter and making the first legal decisions. From the point at which the documents are filed they might be considered to take on a life of their own.

In the interviews I was told that the application starts the matter. Margaret said:



... matters begin by reading an application for the commencement of a matter, and I suppose from that I form a very preliminary view about whether or not an interim order should be granted. So the material that is produced by a case worker, that forms the basis for an application, is very influential ... I'm reading for whether or not the child is at risk, whether the Department have perhaps not exercised their discretion as they should have.

Reviewing this case's documents, from a narrative perspective, I found that the first two pages of the application introduced the key characters in this story in their most impersonal forms. They provided names, dates of birth, addresses (where appropriate), cultural background (through the ticking of a box) and indicated the nature of the story that would later be presented – that the child was "removed from mother" and "removed from father"; that there was a sibling already in care; and that the overall order being sought was a Care Application under Section 61 of the Act.

The third page introduced the caseworker and identified, through the presentation of dates, that the worker had been "the person with casework responsibility" for four days. Further, the Manager Casework was also identified as "the delegate of the Director-General responsible for bringing the care application". That same page identified the overall aim of the Department – that the Court make a Final Order placing the child [Isobella] in care "until she attains the age of 18 years".

Then, the legislative "grounds" upon which the Order was sought, were presented. These were:

³⁷ This term is one of my favourite parts of the research. It makes me think again about Frankenstein's monster which is brought to life (enlivened) and then stumbles out into the world, with all manner of consequences trailing behind.

- that the “child or young person has been, or is likely to be, physically or sexually abused or ill-treated”
- that the child’s “basic physical, psychological or educational needs are not being met, or are likely not to be met, by his or her parents or primary care givers”
- that “the child or young person is suffering or is likely to suffer serious developmental impairment or serious psychological harm as a consequence of the domestic environment in which he or she is living”.

To my reading those grounds imply something about Isobella’s life to that point; they suggest she has lived with major risks to her body, mind or emotions, or major harm on any of these fronts. They also suggest something about the character of Isobella’s parents; implied from the statements implying Isobella’s life experiences.

Page four of the document noted key family relationships for Isobella, including that she had a sister who was already in care and the identity of the family member who was caring for her. In all of this material, Nathan was not mentioned directly but was insinuated, by being the father of the child this was all about. Also noted was that Isobella’s circumstances are “similar in nature” to the circumstances that led to court orders being made for her older sister. Thus, Nathan’s past problems were made present; it suggested that there had not been significant or sufficient development and change in his life to be confident the current child (Isobella) would be safe.

Page five of that document asserted that the caseworker had access to and had reviewed the records relating to Isobella and her sister. It noted that there had been six reports relating to Isobella and 12 reports relating to her sister. The main concerns in those reports were (according to the document) “the drug abuse by [child’s] carers, inadequate shelter and [child’s] exposure to domestic violence”.

The following three pages provided details of the previous reports of risk of harm received by the Department. They were presented by date, by subject of the report (the child), brief details of the concerns and circumstances, and their outcome (what was done in response to the report). They were listed from the most recent report to the oldest. Nathan, the main character in which this analysis was interested, was not identified until the sixth report (although in descending chronological order it is the fourth report). This related to an event that happened two years prior to the matter that brought Isobella into care. The next mention was from five years prior, where Nathan was noted in a report as using heroin, but there was no indication he was involved in caring for a child at that time.

Following the list of previous reports to the Department, a “chronological order [of] events/fact relating to: why the child ... is considered to be in need of care and protection” was provided. That runs to almost two pages in length. In that material,

Nathan was mentioned by a third party who reported concerns about his possible drug use. Following that, Nathan was presented through a brief mention that he returned Isobella to her mother's care at a time that she was not in a fit state to care for a child. Later the document described an assistant to Cara (the caseworker) not being able to contact Nathan (as the Department's contact details were not current) and also described the decision not to place Isobella in his care at the point of removal from her mother. Finally, in this material, Nathan was presented through a description of material gained when he was interviewed by Cara.

In reporting the interview, particularly the latter part, Nathan was presented as saying he had been worried about Isobella's safety (when in the care of her mother) but didn't do anything about it – that is, he didn't report his concerns to the child protection helpline. It was also noted that he expressed an interest in being the carer for Isobella and also that his use of drugs and drug treatment, housing and mental health were all discussed during the interview.

At the end of the application, in the last sentence before the signatures of the caseworker and the Manager Casework, under the section "Contact with Parents and Significant Others", there was a sentence that states that the Department "proposes that contact occur between [Isobella] and [Nathan] 2 times per week, for a period of 1 hour duration".

To my reading, the material in those documents achieves a number of things. First, the application and affidavit introduce the characters and set out relationships; specifically, the relationship between Isobella and various adults in her life and the relationship of the caseworker to the matter. It also presents something of the qualities of these people and relationships; whether the relationships reflected diligence or negligence, of need and failure to provide, of lack of change on the part of the parents and a lack of other options on behalf of the Department. It frames Nathan – the character this research is most interested in – in relation to an overall picture of safety (or lack of it), priorities, decisions and choices. Second, they present a series of lines of causality – something happened, or was done, because of something else. For example, Community Services' need to act was caused by the risk of significant harm to the child. The risk of harm to the child was caused by the behaviours of her mother and father. Third, the document also provides, as Fincham et al (2011) observe about coronial inquest files, the opportunity for the applicant and author, who are also actors/characters in this story, to construct an identity of diligence and dutifulness and of having no other option but the course of action taken in this situation.

The Initiating Affidavit starts the story at the point of crisis. If this were fiction writing, Stern (1991) would describe it as the 'last lap', where the action starts right at the climactic point, against which the emotionally resonant back story will be told in future instalments or chapters. It is also a means by which to establish an overall 'position'

(Stern 1991) of a character, which is the series of inner (mental and emotional) and outer (behavioural and contextual) features of a character that serve both to create and locate them. That is to say, the Application shows something of how the characters act, feel and think and of their surroundings. In this document the lists of previous reports and the events that led to the removal show the behavioural features, while the interview serves to indicate the mental and emotional aspects of the character. In a fictional story the position of the character(s) needs to develop – to change for better or worse – over the course of the story. This creates movement and tension in a story so that readers will want to read on. Stern (1991) writes “once readers understand a character’s position they are waiting to see that position change”. This is an extremely important aspect of child protection documents, as positive change on the part of a character (parent) may indicate a willingness to engage with Community Services and to reposition themselves with regard to the child’s safety and care. Braithwaite, Harris and Ivec (2009) argue that this willingness to engage with the regulatory agencies and make changes should be the primary test of whether more or less intrusive intervention is required. This kind of character ‘development’, then, becomes a key feature of child protection court documents.

Identifying the creation of different characters within professional (for example, social work) talking and writing is an idea that some social scientists have taken from literary theory and applied to their research. As an example, Susan White (1997) in her thesis on the ways that social work is a performance that becomes visible in talking and writing (she studied a UK child protection office specifically), noted that in the process of ‘making a case’ people were allocated to roles such as mother or father and then evaluated according to the ways they performed those roles and the degree to which they lived up to expectations about those roles. In addition she noted that ideas about responsibility or blame were also provided in the workers’ writing and talk. This is one of the differences between literary and social science thinking on this topic – in a social science view, authorship of documents and the characterisation that occurs within them is a particular point where power operates. In the 1970s, Michel Foucault (1991 [1977]) commented that professionals such as social workers gathered power through the task of assessing and categorising people within a range of normal or deviant. He noted that this power was largely expressed through writing. Applying that idea to the case records from early charity organisation work in America, McFadden (2014: 472) wrote: “character determinations can be seen in Gurteen’s COS [Charity Organization Society] recording system, which required employees to adopt a series of binary categorizations in order to assess and document the moral integrity of impoverished persons”. The moral categorisation in social workers’ writing about people is something Baldwin and Estey-Burtt (2012) also discuss and link with professional ethics. Their argument is that being aware of the narrative nature and effects of our talking and writing is important for undertaking more socially just practice.

Update Affidavit

Date: reference date plus 1 month, 12 days

The first 'update affidavit' was drafted and affirmed by Cara as the caseworker who was responsible for the case. She swore/affirmed the previous affidavit and lodged the original care application and had been doing the direct work on the case since that time. The update affidavit provided a description of the intervention in progress and information to help the magistrate (Margaret) make a decision relating to Isobella's ongoing (interim) placement in care when the matter was next in court.

The update affidavit was 6 pages long and contained 37 paragraphs. Material relating to Nathan that was presented in the body of the affidavit included:

- an update about Isobella's placement. That included comments about her settling into day care and a possible implication of experience of poor parenting or trauma when it said *"The carer reports [Isobella] is doing really well. Stating [Isobella's] tantrums have settled down and her interactions with other children have improved. [Isobella] now approaches other children that she does not know when the carer takes her to the local park, and engages with them. She is happy to play with kids on all social outings for example, the pool, shops or parks"*.
- a 'general update' which described contact between Nathan and Community Services. That included describing another interview with Nathan and communication with Nathan's father. Through that, particularly in the interview, Nathan was presented as still caught in his personal and relationship history – not showing a clear break from past behaviours and relationships. A transcript of the interview was annexed to the affidavit [more is said about this interview below], along with transcripts of two interviews with Isobella's mother. The interviews with Isobella's mother also contain material about Nathan.
- an update on contact between Isobella and her parents. This two paragraph section noted the reason that one contact visit was cancelled – due to her ill health – and also noted that all contact to date had been "appropriate". Contact reports were annexed to the affidavit and run to 30 pages in length. [More is said about these contact reports below.]
- an update on urine screens (urinalysis) for presence of drugs. That section described the process by which Nathan had not participated consistently in random drug screens and also that the two completed screens showed drug use.

I found the interview transcripts and contact reports, which were attached to the affidavit, very enlightening sets of documents. I would like to tell you a bit more about what I saw in them.

Interview Transcript

Attached to the “update affidavit” was a copy of a transcript of the interview between the Caseworker (Cara) and Nathan. The interview was documented by a second worker who sat in during the interview and took notes. These notes were then typed and became the interview transcript. It was presented in question and answer form.

This interview represents a micro-story³⁸ within the context of the larger story. It is the story of an event – the interview – intended to gather more information to help with decision-making relating to Isobella’s care. What it achieves (more strongly than this) though, is to fill out a story of Nathan’s mental and emotional state. While the content of the conversation covers many different parts of Nathan’s life, threads of the story in the transcript include cooperation (or lack thereof) and truth-telling (or lack thereof) on Nathan’s part. The interview also was threaded with ideas about why things were occurring – in narrative terms, suggestions of causality. A particular element was Nathan’s relationship with Isobella’s mother and a continuing emotional entanglement that might have led to his not acting protectively for Isobella. Some aspects of that interview were drawn into the body of the affidavit.

Attaching the interview transcript to the update affidavit laid bare the body of material that some of the affidavit was carved from. Perhaps it was one example of the imperative on the Department to be balanced and fair in its dealings in the court process. All parties now had the material to use in their own documents. Where Cara’s affidavit focused on Nathan’s responses to questions, Nathan could have used that same material to dispute the questioning method or to argue that his responses had been taken out of context, if that was what he felt. That, though, may be a place where Nathan’s earlier comment about his abilities with words – *I’m just a [tradesman] you know, I’m not some lawyer or anything* – becomes important; what skills in forming a written argument and rebuttal would he have needed in order to do that?

Contact reports

Attached, in their entirety, to the ‘update affidavit’ were reports describing 6 contact visits between Isobella and her parents. Each parent met individually with Isobella, and a report was written for each individual meeting. The reports contained a moment by moment statement of action and reaction between each of the participants; they were

³⁸ A micro-story is a self-contained narrative about an event (it is a whole story in its own right) that feeds into the bigger story that is being told. This is described as “embedded narratives” by Porter Abbott (2008: 29).

written against a set of standard headings. In true story form, the reports had a beginning, middle and end, along with a cast of characters. Some characters were directly present at the visit (for example Isobella and Nathan) and others (who were not present) are implied (for example, the carer Isobella was collected from and returned to). The reports included descriptions of how each person presented themselves (or were presented by her carer, in Isobella's case) as well as the things they provided for the visit – clothes, toys and food are all described.

In the briefest possible terms, the narrative contained in each contact report was, 'Isobella was collected from carer; she spent an hour with her father; she was returned to her carer'. The thoroughly detailed accounting of those moments, as contained in each of the contact reports, told a much deeper story. Following the heading sequence, the stories started with the date of the visit (setting them in time), a section about the characters in that story – who was present at the visit – and then listed the actions and events that had happened. An early section in the contact visit format was the presentation of different individuals. For example:

Heading: 'How does the child/young person present prior to access?'

Response included: "*[Child] looked at access worker and started to cry as she rushed up with arms open and said "daddy".*"

On the surface of it there was little in the way of a plot, if one accepts plot to be the addition of causality to a sequencing of events (as described above), within those contact reports. They were the barest sequencing of events with little else contained therein – no description of feelings or thinking as might occur in other stories. And yet, by sequencing the actions of multiple characters in relation to each other and describing (but not interpreting) everything in detail (that is, describing what was heard, smelt, tasted, seen or felt but not attributing thoughts or feelings to people) a strong sense of internal process and relationally-motivated action, emerged. Take this passage, for example:

[Isobella] looked through the security screen, waved and called out many times daddy, daddy, daddy [sic]. They rushed to each other with their arms open. [Nathan] picked [Isobella] up and cuddled her. ... They both smiled broadly as they made eye contact with each other.

Or, this information from the report relating to a different visit, supervised by a different agency, in a different location:

Heading: *Conclusion of access*

Content: *[Nathan] was made aware of the time at [time - 10 minutes before conclusion of contact] where he was advised to consider packing up the room*

and start saying goodbyes. [Nathan] was then made aware of the time when there was 5 minutes until the end of contact. At this point [Nathan] began to pack up the room and checked if [Isobella] needed a change as she had made a face that suggested she was uncomfortable. At [time] [Nathan] was made aware that contact had finished and he had to say goodbye. [Nathan] gave one final cuddle to [Isobella] then tried to distract her with a toy so he could leave. At this point, [Isobella] stated crying.

Heading: *Post Access*

Content: *[Isobella] appeared upset when [Nathan] left the room as she was crying. [Isobella] was unable to walk so she was carried back into the [office].*

It is important to be aware that these reports, as with all documents in the court process, mean something very particular to particular readers. To a social worker who has worked in the child protection setting, as I am, contact reports such as these tell a range of stories. There is the story of responsibility – as simple as turning up on time; what the parent brings (or the carer sends) to the visit; whether the parent attends ‘appropriately’ dressed and not affected by substances; the parent taking responsibility for the care of the child during the visit and not leaving that to the worker who is present. They also tell a story of relationship and, in particular, a story of responsiveness and attachment between the parent and child. In this particular case, those contact reports might have become a very valuable resource for telling a story of strong and secure attachment between Nathan and Isobella, and a demonstration of sufficient parenting (at least for the duration of the contact visit). But they were not used in that way by any party.

It is interesting to note that the ‘update affidavit’, described above, said of the contact visits between Isobella and her parents, “All contact reports to date in regards to both [Father] and [Mother] indicate contact is appropriate”. This seems like a minimal description of the information they contained.

Children’s Court Clinic Assessment

Date: reference date plus 3 months and 24 days

During the Court process it is possible that any party to the proceedings can apply to the Court for a Clinician’s Assessment. That is, an assessment of parenting undertaken by a qualified and experienced social worker or psychologist who is contracted specifically by the Children’s Court for this purpose. The assessments are focused specifically on the relationship between the child and her parents and the question of ‘parenting capacity’.

To get an assessment in a matter the Court has to make the order and the application can be rejected if the magistrate feels there is no particular value in undertaking the process. In this case an order for an assessment was made and the Clinician's Assessment was provided to the court approximately one third of the way through the proceedings. It followed the lodgement of the initiating affidavit and the update affidavit, and was followed within four weeks by the first care plan. This assessment document was developed on the basis of examination of the available document evidence (that is, all existing court documents, the subpoena material, and previous assessments) and then meeting with each of Isobella's parents, including an observation of each parent interacting with her.

Assessing parenting capacity is seen as a difficult task within a fraught practice setting (see, for example, Houston 2014). Various approaches to assessment have been described and various assessment models have been proposed (see, for example, Farnfield 2008; Woodcock 2003). Each states or implies different ideas about what parenting is or why parenting capacity assessments are undertaken at all. In the following four examples from literature there are a range of different elements or different areas of emphasis. Of parenting capacity, a Community Services *Research to Practice* document states, "'Parenting capacity' is the ability to parent in a 'good enough' manner long term". It goes on to say,

It is the quality of the immediate moment-to-moment behaviour of the parent towards the child that is the major influence on the child's wellbeing [even in the context of stressors or enduring difficulties]. 'Good enough' parenting ... is a term generally used to describe the minimum amount of care needed so as not to cause harm to a child (NSW Department of Community Services 2006: 1).

Houston (2014), on the other hand, seems to approach parenting as a job and proposes a highly structured model for assessing parenting capacity across a number of domains. Context is an important feature in the perspective presented by McConnell and Sigurjonsdottir (2010: 184) who write: "Parental capacity is a measure of fit between a parent and his or her life experiences, the environment, including extended family and social network, and the available supports and services". Finally, Crawford (2011: 20) presents a different purpose for an assessment of parenting capacity:

Within the context of child protection, maintaining a child's relationship with their parent, be it in the form of contact visits or permanent placement in the parent's care, is of prime importance. The underlying purpose of a parenting assessment is to explore and optimise how best that relationship can be maintained and fostered.

During our conversations you each talked about the clinician's report. The things you said showed that it was experienced, almost universally, as beneficial. Simon said:

I think the clinic reports are immensely helpful ... because... they're a proper analysis of the person and their life.

With some wishing they were used in every case. As Margaret said:

I must say I would love to have a clinician's report in every [case] ... I think it really gives a very clear direction ... from everybody's point of view.

It was considered to be a more honest picture and less partial than other items put to the court. Simon said:

I think each of those matters has its own unique nature, and a bit of an analysis of the parents would really help the court every time.

Like sometimes the evidence we're running hearings on is just ... all the [Community Services] stuff about their past life and their [trouble], and it's all the stuff that a parent files saying 'I've been good for five years, and here's my certificate from the Triple P Parenting Programme'. I don't know how you make a decision based on that, but they do.

It was also seen as a guide for all the parties – an expert opinion that all other material should be in line with; as Simon suggested when he said:

I think the clinic report's the most important document because it can really ... guide ... the Care Plan, and everyone compares the clinic report to the Care Plan to see how they are linked up, they should match up. And if they do, that's good.

Cara, though, noted something else about the assessment process – that it is a significant document but based on a short period of time with the people being assessed. She said:

Which are always very interesting because, you know, a few hours with the client and they're writing a very big, telling assessment ...

In terms of the narrative, the clinician's report was different in tone and type from the other content I saw on the court file. For example, the other documents up to that

point in the proceedings had started from Nathan's involvement with trouble (that is, police charges, health concerns and uncertainty about parenting). The clinician started from his childhood, and presented a description of family and growing up; perhaps presenting something of the forming of his character. In the clinician's report Nathan's character became more rounded, maybe allowing sympathy to be developed. Behaviours which, in other material (for example, the interview transcript) might have appeared nonsensical, manipulative or malicious, became more understandable through their placement in a broader historical and personal context. A specific example I am thinking about is Nathan's not participating in urine drug screening. The clinician was able to describe that in clinical, rather than obstructive, terms. In addition, the report questioned, though did not directly reject, some of the claims made in other material (for example one of Nathan's alleged occasions of domestic violence).

In that report there was a humanising which was not apparent in previous material. Nathan, as the subject of that report said:

I think he did a good job ... he was pretty bang on with it, you know. And the clinician ... you know, you could sort of see that I've made progress to be a better person.

That's what I mean, that clinician, he did, he wrote a bit more true ... you know, he spent time to ask me without a biased opinion from the start. ... He didn't have any opinion of me ...

And yet, the clinician's assessment does not overturn the originally suggested course of action – that Isobella be placed in care. Certainly, material was presented that unsettled some other things that had been said and presented a strong relationship between Nathan and Isobella. That seemed to be an extremely significant thing to report – that the attachment between father and child was both strong and positive. Despite that, the end result was uncertainty about Nathan's capacity and Isobella's safety and a recommendation for the magistrate to err on the side of caution. At the end, the report's recommendations stated:

"At this time I do not believe that [Isobella] could be safely placed in the care of either of her parents ..." [Next paragraph] "Despite the father's excellent presentation with [Isobella] I am unclear as to the current status of his drug use as her (sic) apparently has not been tested for some time. I am also concerned about his possible under reporting of domestic violence between him and [child's mother]. Whilst this may have been in the context of their mutual drug use I am concerned about possible anger management issues".

(First) Care Plan

Date: reference date plus 4 months and 16 days

The next main document in the court process was the Care Plan. That document was, essentially, focused on Isobella – her needs, her relationships, her circumstances – and who was assessed as being best able to provide care and protection for her. At a general level, a Care Plan is designed to address the circumstances and needs of each child and does not treat them as a group (even members of the same family). Therefore, it is specific for each and every child before the court. The Care Plan's development should involve participation of the child's parents and associated key people such as grandparents.

The requirements for a Care Plan are set out in the *Children and Young Persons (Care and Protection) Act, 1998*. The relevant section of the legislation (Chapter 78) states that a Care Plan must address the child's placement, the person who will have Parental Responsibility (decision making authority) for different aspects of the child's life, services the child requires and the agency that will oversee the child's placement. Further, Regulations relating to the Act require that the child's education and training are addressed³⁹.

While a Care Plan is a document directed to the Court and accessed by all parties, it serves other purposes in relation to the children and their parents. As interview participants said (in order Cara, Mandy and Margaret):

The only time I feel that we're writing for them [parents] and for the child is the Care Plan. ... By the time you get to Care Plan the shift has changed and it feels like I really need to put everything in this document so the parents know why we've made the decision there. So from here you really wanted the court to understand the decision, and here I really want the parent to understand the decision.

the Care Plan is very specific about documenting why ... we're making the recommendation that we are ... what is our recommendations, and then how is that placement going to meet the needs of the child.

³⁹ It is interesting to note the limited number of life domains that must be addressed in the Care Plan and that education and training is one of these while things like fun, creativity, connection to nature, or other aspects of Nasbaum's Capabilities Approach (see, Evans 2016) are not considered. I wonder if this is a small example of Foucault's (2008b) notion of children as examples of human capital – valued by the degree to which they will be future participants in processes of production and consumption.

1 *the Care Plan is a good summary of the issues because it says why there is no restoration to the mother, why is there no restoration to the father, it outlines in summary all their serious issues.*

The final point by Margaret suggests something I would agree with; the Care Plan, despite its focus on the child, presents a great deal of information about, and makes assessments of, her parents.

I was also told that the Care Plan may be reviewed and redrafted numerous times. In this matter there were four Care Plans presented to the court, each with a slightly different focus and different final recommendations. [Because the information about Nathan, and recommendations relating to him, didn't change I have not reviewed those different documents here.]

The Care Plan is a site at which the notion of parenting capacity is again present. In making the case for this plan, Community Services research regarding parenting capacity was used. The author of the Care Plan (Cara) wrote:

⁴⁰Research to Practice Notes located on the Community Services intranet conclude 'Parenting capacity refers to parents' ability to nurture their children, protect them from risk and enhance their developmental experiences'. [Mother] and [Nathan] have not yet demonstrated they have the parenting capacity to nurture, protect or enhance [Isobella's] developmental experiences given the current issues of concerns [sic] outlined above.

The Care Plan contains a section titled "Is there a realistic possibility of the child or young person being restored to his or her parents?" In response to that section the reasons that restoration to Nathan was not seen as suitable were presented. That started with, "there is insufficient evidence that [Nathan] has addressed the issues that led to the making of the care application for [Sibling]". The noted issues are "an extensive criminal history; involvement with domestic violence relationships and involvement with drugs". It went on to state:

"Community Services is of the view that there is not a realistic possibility of restoration to either parent. Community Services has explained to the mother and father the ongoing child protection concerns that are held by Community Service's (sic), and the reasons why Community Service's (sic) is not recommending restoration". "Whilst Community Service's (sic) acknowledge the positive steps [mother] and [Nathan] have made since [child] has been in formal care, Community Services requires a longer period of demonstrated,

⁴⁰ This material was presented earlier but is presented again here as it illustrates the nature of Care Plans where the previous material focused on the notion of parenting capacity.

sustained change to ensure current concerns and the previous concerns, have been adequately addressed. [Mother] and [Nathan] would need to be able to demonstrate:

- "a sustained period of not misusing illicit drugs or alcohol"
- "developing and maintaining informal and formal supports"
- "a sustained period of not being in a domestic violence relationship"
- "developing an insight and full understanding of the dynamics of domestic violence and the impact that such violence can have on children, in order to be able to satisfy Community Service's (sic) that this issue has been positively addressed"
- "developing positive and stable relationships with extended family"

Thus, the Care Plan provides direct information about what the parents need to do for restoration to be considered. This, it would seem, is a direct statement of the foundations for 'good enough parenting' according to Community Services. As Mandy said:

As part of the Care Plan, which is where we're making our recommendations around is it good enough parenting or not, we have to outline why we think they are good enough parents. So I guess that makes us articulate what is good enough parenting, or how are these parents able to achieve that level of good enough parenting.

In that Care Plan there was a clear and positive statement about the relationship and attachment between Nathan and Isobella. At the same time, the overall assessment was that, on balance, Nathan would not achieve the change that would be required to be a suitable full time parent for Isobella.

In the section of the Care Plan that identified "the parents' involvement in its development" it was written that Nathan participated via phone calls and that he felt his views about the situation would not change anything. He was presented as saying that he did have views about someone he didn't want looking after his daughter and that he would apply to the court in the future to have his daughters returned to his own care. He did not sign the Care Plan.

Subpoena Affidavit

Date: reference date plus 12 months and 16 days

The next document I will discuss is the subpoena affidavit. While it was not the next document in the file⁴¹, it was the next one to provide further information about Nathan – the focus of this analysis. It was provided to the court 12 months and 16 days after the matter was initiated. It was provided because the matter appeared to be going to a hearing – the issues had not been able to be resolved outside of the court, nor through informal processes such as a dispute resolution conference⁴².

The process of the subpoena, at the time this case was being run (there has been subsequent review of the process; see Johnstone 2014), was that an order would be made in the Children's Court for all material relating to the individual named in the Subpoena Order to be forwarded to the court by the agencies from which it was requested. All parties to the proceedings then have access to the material for review and selection in order to find records that they believe should be presented to the court. Each party can then write a 'subpoena affidavit' itemising the information they deem relevant and attaching the relevant document as an annexure. Depending on the individual in question's degree of contact with various systems these affidavits and their annexures can run to many hundreds of pages in length.

The subpoena material relating to Nathan covered a ten year period. Police material was reported and attached, stating that Nathan had been involved in a number of incidents and events and had been charged with various offences. These particularly related to driving offences (unlicensed, using mobile phone and under the influence of alcohol), larceny and drug possession. The Health records related primarily to drug use and drug treatment. Reports from pathology provided urinalysis results. While the incidents were described in the body of the affidavit in general terms, the original copies of the agency records were annexed to it. They were used to demonstrate the claims being made by producing the original evidence. If Cara were to speak about the information in the Subpoena Affidavit, I think she would say it was all the information relevant to the case to help the magistrate make a decision. If Nathan were to comment on it I am guessing he would say it was everything he'd ever done wrong, with none of the good and that it was all from the past.

Records from an external agency add veracity – irrefutability – to the specific claims and the overall assertions being made by Community Services workers. They seem to provide a 'triangulation' of data – a range of different sources, providing a similar

⁴¹ As previously noted, in the period between the first Care Plan and the subpoena affidavit there are three other Care Plans. These are not described here as the information relating to Nathan does not change. They were provided to the court because the position relating to other parties did change.

⁴² Although this conference occurred and Nathan did attend, it is not described in this research and analysis as there were no records on the court file relating to that meeting.

message, adding weight to the original argument. During an interview I was told that those official records are, essentially, ‘taken as fact’ as they were not generated for the purpose of the court process but are an official record. That is in contrast with documents such as letters or references that a person might present as testaments to their good character. As Simon said about this:

... the material that comes from service providers like hospitals and drug rehabs and police, I think that that material is accepted as fact. Whereas the other material and the letters that are written by family members and so on, are... they can be persuasive and they can show that the person has got some support, but they’re not necessarily accepted as factual. ... they were prepared for the purpose of the proceedings whereas the other material was a record of something that happened in a police officer’s daily duty. ... these letters were prepared for the purpose of persuading the court really.

In subpoena affidavits it is possible for everything or nothing to be used, or for the selection of material to be entirely one-sided – each party carefully weeding out the material that doesn’t serve their argument. And yet, in recognition that Community Services has greater capacity than the other parties in a matter, there is an expectation of balance on their part. That is, there is an expectation that Community Services will present material that is positive (where that exists) as much as they will present material that demonstrates their argument of risk and harm to the child. On this topic Margaret said when we spoke

the onus really should rest with the Department; should be on the Department to provide, as far as possible, a balanced and objective view of what’s happened

This is a direct reflection of a statement made by Magistrate Ellis (2005) who, addressing legal professionals representing Community Services, wrote that they have an obligation to the court that all the relevant material is presented. She also said that Community Services, because it has the greater capacity to press its case, has the greater responsibility to be diligent when disclosing the evidence in a case. Magistrate Ellis wrote that Community Services is “the party with relative strength of resources and finances” and therefore:

it is extremely important when exercising such power that there be candour, frankness and a willingness to assist the Court in reaching the correct decision.

An advocate has a general obligation to ensure that all legal propositions contrary to the one being put by that advocate are drawn to the Court’s attention and, if available, the relevant authorities are placed before the Court

This message appears to be embedded in the thinking of the Community Services staff. I was told that where there are records that demonstrate good outcomes or actions then these should be presented to the court, not only those that reflect the agency's concerns. Mandy said:

for solicitors they're all about evidence ... either disputing or supporting [our point]. They settle our documents in a way that makes them ... factual and relevant so that we don't make just random judgments or opinions or things like that ... and if mum and dad haven't done something wrong then that needs to go into a court document. Same as if they did something right it would need to go in as well, but they're very much about everything going before the courts.

And Cara said:

.. we have to write subpoena affidavits in a balanced way. So if we're subpoenaing their GP, their doctor, their counsellor, if it's good stuff they've done, for an example the parent hasn't used [drugs] for twelve months, or they've been coming to every appointment, they're putting into practice the parenting skills ... we are doing a broader scope with our subpoenas now, we'll find that instead of doing just the standard police and health and looking for the dirt, per se... ...if they're saying 'I'm doing a parenting course', then we'll subpoena that as well. And if there is that balance of whatever is positive and/or negative, that all goes in there.

Perhaps Nathan might argue, as I wrote above, that the records have to exist in the first place to have any hope of balance.

Cara said other interesting things on this topic. For example, presenting a balanced perspective requires actively managing ones first reflex:

I mean little things you'll find that mum was the one that rang, you know, support systems because there was an AVO against the father and he was at the door or something, that's positive. Sometimes you can find that. Again, it's about reminding yourself as a professional to look for it because sometimes it's very quick to just be looking through for the charges, or the events that are supporting what it is we're looking for

And working with parents involves actively pursuing information:



... the last few cases I've done, I have subpoenaed nine or ten services, so it's about coming back to having the conversations, with the parents to try and get who are they involved with ... so we know where to look ...

There is a degree to which these historical, factual, external records, not created for this purpose, should cut against a charge of one-sidedness on behalf of Community Services. The logic of this approach may be that it demonstrates the Community Services intervention is not an internal/personal vendetta that is being enacted but a response to a set of concerning behaviours quantifiable by a weight of officially documented evidence. How much that balance was achieved in this matter, or any other, is hard to know exactly.

One possible hindrance to that balance being achieved is the degree to which these systems actually hold information that reflects good things occurring. Most contact with police that generates an official record is in the course of a negative incident occurring. The same may be true of health services – even the completion of a relapse prevention program or a domestic violence counselling course reflect that things have not progressed so well thus far for that person. [Though, they do indicate a shifting of 'position' in the narrative sense.]

When I started to think about these things and ask about them during interviews there was some agreement; Nathan agreed and said that things he might have done well (like always having a job), or things that have been helpful not harmful (things he has done to help the community) don't appear in records. He said:



any time you've been to hospital or to the police it's because, you know, you've done something wrong or ... I bet it's not on there how I resuscitated a girl and brought her back to life when she was ten ... You've got to learn things like that, that I've probably done to help the community ... you know, I've been on drugs and all that, but I've worked my whole life, I've never not had a job, you know, I was always working ...

Simon talked about records relating to a child's education (specifically, school reports) as a place where a possible alternative story of a child and their parents might be uncovered – the possibility for indications of good experiences to be brought forward. He said:

I might attach some school reports which are accepted as... factual and they can show that a child is achieving as an average student, that their behaviour was good. Now that's often important in these cases for us because there's often allegations where children are removed and put in care they exhibit very bad behaviour which is attributed to the parenting that they've received.

Children's school reports tell you that the child is well-balanced, the child doesn't disturb the teacher; the child must be living in a home that's settled ... so it can tell you a lot.

Where the clinician's report was viewed, almost universally, as helpful and experienced positively, the subpoena material is experienced in different ways by different people. In some cases it leads to a sense of relief as there is external validation for decisions made, as Mandy said:

it can reaffirm your decision to remove because it shows just how risky the risk of harm issues were, so to speak.

In other cases it can directly contradict assertions or allegations made earlier in the court process (as shown in the earlier quote from Margaret). Alternatively, and perhaps more commonly, parents can experience the subpoena material very negatively. It can be seen as a process of Community Services "digging up the dirt" on someone. I was told by Mandy that it can turn a reasonably productive working relationship into an antagonistic one. She said:

I've been in situations where ... we put in the subpoena affidavit which was all her history and it was quite negative ... it changed the relationship ... [she was saying] "Why are you writing all that bad stuff about me, why do you have to put that in front of the magistrate?"

Given that it is not uncommon for these affidavits to run to 500 pages in length (as Simon said) I can imagine that some parents feel absolutely buried under the weight of that evidence and could feel that they have no hope of being seen as anything other than bad.

Thinking in literary terms, the subpoena affidavit is a form of 'exposition' which, as Stern (1991: 129) writes, is "the technique used to embed the information you need to tell your story" and can be done through explicit telling or by letting "information leak into the narrative" from other sources. Through the process of exposition, the words of the earlier authors characterise the subject in the present time, even if that

characterisation is different from their intention in their earlier writing. On this point Dunn and Kaplan (2009) identify how documents created by welfare professionals while they were working to help someone, can be brought into court settings and have important effects. They state:

we believe it is safe to say that most persons who are "helped" by the psy-complex⁴³ will leave with a set of files that label them as individuals who own a set of characteristics. When those records find their way to consequential arenas in which accounts of reality are contested ... they take on a new level of significance (Dunn & Kaplan 2009: 362).

Nathan was also a character in subpoenaed material relating to others in this same affidavit – specifically Isobella’s mother who was also Nathan’s ex-partner. These are relevant and important to this overall narrative as they implicate Nathan in situations which were not presented in the subpoena material specific to him. This was one of many instances in the overall court document process, where the characterisation of one person was further developed through their being secondary to, or associated with, another. At the same time, Nathan said to me during our interviews that many times it was assumed he was present when something happened with Isobella’s mother, when he had not been there at all. He said:

and another thing in the documents ... even though we were separated, my partner and I, they just put us together. ... Like in the paperwork it’s got a whole list of events, right, “[Nathan] and [Isobella’s mother] were found here”. It was only [Isobella’s mother] ... I was never even there. ... And there’s bits that contradict it to show that I wasn’t even there.

When we talked he said that he said this to Cara, but he did not put that information or argument to the court and therefore those statements remained unchallenged.

I am not suggesting that Nathan’s statements can’t be questioned or disputed and another version of events put forward. I am providing his comments here as they serve to open this question about documents, their creation and their effects.

Nathan’s affidavit

Reference date plus 12 months, 2 days

⁴³ A description of the helping professions (their networked inter-relationships and social management role), referencing Foucault’s analysis of the power of social work and similar professions.

Twelve months after the initial care application was lodged with the court, and two weeks before the Final Order was made, Nathan submitted his only document to the court – one affidavit, two pages in length, with five items attached.

That handwritten affidavit, like all other affidavits in the file, started with an introduction of its affirmer and his relationship to the matter. It then stated "I would like my contact restored like I had before [Isobella] was taken into foster care from [Mother]". The affidavit described the nature and the frequency of that contact. The claim for contact to be returned to the previous arrangement was supported by two attachments which, in the author's [Nathan's] words, "states my contact and my parenting ability". Those attached documents were extracts from minutes of a case planning meeting with the Community Services Out-of-Home Care Team⁴⁴. Following those statements, three other attachments were noted, which were "references from my neighbour, my boss and the maternal grandmother". Each of those documents described his good character and the one from his neighbour reported his attentive parenting. The affidavit ended with:

I don't want to separate [Isobella] and [sibling] I just want to see them on the weekend and teach them to swim and ride bikes and help the grandmother look after my children. Thank you for reading this.

Nathan's affidavit is the only document I saw where he was the author of his own voice. Where his words were presented before, it was by different authors, illustrating the points they were making; it was reported speech. While some court matters might be, as Porter Abbott (2008) and Baldwin (2013) suggested, a contest between different narratives and different narrators, the section of this court matter that I got to review was more of a monologue – a single perspective presented, even when documents were written by different authors. If we use the perspectives of Baldwin (2013), Fincham et al. (2011) and White and Epston (1990), suggesting that documents are places where authors' secure some of their own identities (as much as presenting the character of others), then this is the only point in this court file at which Nathan creates that identity for himself.

Affidavit by Isobella's maternal grandmother

Reference date plus 12 months and 4 days

This was a very brief affidavit, submitted by Isobella's maternal grandmother, that had one point to make relating to Nathan. It stated that she was aware Nathan had used,

⁴⁴ That team is part of the Community Services agency. Their role is to support the placements of children in care and oversee their general wellbeing and progress. They may be called on to make decisions relating to the child, in line with the final order and parental responsibility.

in his affidavit, a reference she had previously written for him. Her affidavit stated that she no longer supported the view in the reference and that she supported the return of Isobella to her (Isobella's) mother's care. That was an example of not letting information in an affidavit pass unchallenged. In that way, part of Nathan's affidavit may have been neutralised.

Final Order

For a matter to start in the Children's Court an application must be lodged. For it to proceed, it has to be established that a child is in need of care and protection. This is done through affidavit and presentation of evidence. For the matter to conclude there must be a satisfactory Care Plan and a Minute of Care Order (a statement of what each party believes the Final Order should be). A Children's Court care and protection matter is completed when the magistrate makes a Final Order.

Matters may be contested by parties and proceed to a hearing. At the hearing evidence is tested by witnesses taking the stand and being examined and cross-examined by legal representatives. Whether or not there is a hearing, each party's legal representatives will file 'submissions' (more documents) to the magistrate who will make a judgement and a final determination about the child or young person's need for care and protection. Alternatively, matters may be settled by agreement of the different parties and require the magistrate only to formalise the outcome. Whichever of these paths the process takes, wherever the magistrate finds or agrees that a formal arrangement for the ongoing care and protection of a child or young person is required, a Final Order will be made.

The Final Order covers a number of key issues. It addresses the parental responsibility for the child or young person – to whom, and what aspects of, this responsibility will be transferred and for what period of time. This time period might be limited while the parent or parents address issues identified by the court as needing to be resolved, before the child or young person can return to their ongoing care. Or, it can be for an extended period – until the child or young person reaches 18 years of age. It addresses the residence and who will provide care for the child or young person during the period that they will be in care. It also nominates an approach to contact between the child or young person and their significant family members (with whom they are not living) including parents, siblings or extended family members. The Final Order substantially shapes children's and their parents' lives.

As a general indication of the significance of the Final Order, Margaret said:

1 it must have a great significance because I know the Department and the children ... if there's been a mistake in spelling on a Final Order they always ask you to correct it ...

Another example of the significance of the Final Order may be demonstrated by Simon when he said:

1 I have a special file at my office where... just children's court, A to Z, where every set of orders goes in there. ... There's a set also remains in the file, and then ... two copies go to every client. ... And I try to make a habit ... to send the client their orders on coloured paper. ... because that's a document that in one, two, three, five years is still important to them, and if they know when they open the drawer they're looking for the pink bit of paper, it might sound silly but it sometimes can be very helpful just to find the pink piece of paper.

In part this significance is because the Final Order facilitates other things to occur. Mandy said:

1 Well we can't get birth certificates, Medicare numbers, you know; enrolment at school can even be affected by the Final Orders ... you can't get a passport... unless we've got a Final Order

But the Final Order is not a stand-alone document. When Simon and I were talking, I asked about whether the interpretation of Final Orders might change over time. He indicated that the Final Order requires the Care Plan in order for it to be put into action.

1 Question: Do you ever get people bringing an order from five years ago and you look at it and say what on earth did this mean, or you interpret it differently now ...

1 Answer: You need the Care Plan too to put it in context because ... the Final Order often reflects the Care Plan.

And Mandy said, "it tends to be now, the Final Orders will say 'as per the Care Plan'". One reason for this is that the Care Plan has much more scope for developing proposals to respond to children's changing needs over time. A child's contact with her birth parents is one good example, as Mandy explained during our conversation.

Contact arrangements need to be flexible to change with the developmental circumstances and other needs of the child. Mandy said:

1 we're changing contact now to suit the age ... [because] ... what's suitable for a two year old isn't necessarily suitable for a fourteen year old, so we don't be prescriptive in our Final Orders

On the basis of this interdependence of the Order and the Care Plan we can see that the document prepared and submitted to the court earlier in the proceedings, and potentially resubmitted as the process continues, substantially shapes the short and long term future for the child and for the parents.

Continuing that point and extending the significance of it, the Final Order will often contain Undertakings – statements outlining the actions the parents are required by the Court to do or not to do. Where the Care Plan outlines minimum outcomes to be achieved for restoration, Undertakings lists a set of tasks that makes those minimum standards real. This may be a list of positive actions such as 'to attend a domestic violence education program' or negative (prohibited) actions such as 'not become involved in a relationship where domestic violence is present'. As Mandy said:

1 the minimum outcomes might be, as you said, 'household to remain free from violence', but in the undertakings it might be ... 'I will go to do a DV course so that I can improve my understanding of domestic violence'. 'If I was to start a relationship with somebody else then I would let you know those details of who that was'. So, the undertakings sort of bring it down to tasks ...

The consequence of this, is that through the Final Order, a series of statements and conditions become embedded into and (may) organise the lives of a range of parents. It is again where the notion of regulation of parenting becomes visible. But, it is not seen in all cases as unreasonable, intrusive or restrictive. I think Simon was saying it is protective and reasonable when he said:

1 ... therefore to complete a parenting course, and to complete an anger management course, and to be available for drug screens for twelve months, considering you had a history of ten years' use, but you've stopped for one year during the proceedings, I think it's reasonable to have drug screens. So some of those things aren't necessarily regulating your actual parenting, it's preventative measures and assisting these preventative measures, stopping people from using drugs as a deterrent, and that's probably a good thing.

The Final Order ends a matter but is not the final and unchangeable word on it. Final Orders will often specify that a report must be provided to the court relating to the suitability of the care arrangements for the child. A report of this kind, according to the Act, must be provided within 12 months of the Final Order and can lead to an application to change the child's care arrangements. In addition to this, parents can return to court on the basis of an application to have the Final Orders changed under Section 90 of the Act. This requires the parent to demonstrate that there has been significant relevant change in their circumstances. Such an application may lead to a complete overturning of the Order or change specific aspects such as contact or residence. Illustrating the importance of the Final Order as well as this potential for change, Simon stated:

Yeah, I think it's a really important document, and I get clients ringing me up sometimes, two or three years later, asking can I get a copy of the orders. ... sometimes they're thinking about going back to court, or sometimes they've just come in to see me and want to make an appointment about going back to court and ... we can just have a look at the orders and say "all right, that's what happened, what can we do to go back to court now?"

Reflecting this situation and showing a clear knowledge of the existence of this part of the legal process, Nathan said:

So you know when that final order went through ... it didn't affect me because, you know, it all depends on me to change that final order too, you know, like ... that's not just the end of it all, that's just so they can carry on.

Thinking about this as a piece of literature, it would seem that the Final Order, interlocked with items such as Undertakings and the Care Plan, provides a conclusion and closure to the story being told in the court documents. At the same time it is a closure that makes space for a return to the themes – perhaps a sequel, wherein a story of the quest to achieve a different ending might be told.

Do you need another break?

I hope this does not interrupt the flow of your reading, but I feel the need for another short break. That section was full of details and I want to let the words you said about the documents settle so we are not staggering straight on into the things I want to talk about next. Just so you know, we are heading into the other things you said about documents – things about them more generally rather than about specific types of document.

Chapter 3, part 3

Welcome back; thank you for your patience. I know you are experienced with reading vast documents very quickly, but I find that there are times when slowing down, resting and letting the previous information sink in can be helpful. I hope you are ready now to push on.

Further themes from interviews (not covered above)

At this point we have covered the nature of the court documents in general and elements of specific court documents. The things I read in this one case and from literature, and the things you said when we talked, have been combined to provide a deeper understanding of the documents themselves – especially in narrative terms. In addition to these things which are about documents specifically, there were things that you said about some of the complexities of the current system and then about a question close to the heart of this research – ‘what is it that documents do to people?’ Once I have put before you a picture based on what we talked about, I will move into talking about what all of this is leading me to think about documents. This next section mostly uses your words to make its points.

Literacy (and other vital resources)

Parents’ ability to read and write, and thereby engage with documents as they would want to, was raised in most of the conversations I had. This was always raised with a concern for the potential for the current approaches to be truly fair. As an example of such comments, Margaret said:

1 *I’m sure that a lot of the people that appear before me are illiterate. ... or have such basic literacy that comprehending these documents would be very difficult. And ... there’s the repetitive nature of them, and the volume of them*

Mandy said:

1 *when we write a court document it gets settled by our solicitor so that our... the language we use within that court document is very professional and it’s of a very... highly educated level, whereas our clients probably don’t have that same luxury ... they possibly might not even be able to read it ... there might be some parents that are illiterate ..*

Simon added further details to this:

the fact is ... a lot of our clients are non-skilled academically, a lot of them were schooled in the special class, left school at Year 8, Year 7, Year 8, Year 9, and some of them their literacy level is low.

We have to be careful about that because I think that not only do... can a deponent not read sometimes, they can't even understand the whole thing when I'm discussing it with them. ...

Given that the court process is run entirely on documents and founded upon specific forms and use of written language, it stands to reason that effective participation or engagement, or the capacity to challenge the position put forward by another party, requires a high standard of literacy. This represents a significant challenge because, as research has previously identified, the people into whose lives child protection services most commonly intervene are those with the highest levels of social disadvantage, including lower education levels and/or disabilities (see, for example, Ainsworth & Hansen 2012; Lonne 2013; McCallum 2009; McConnell & Llewellyn 2005; Wood 2008). This led me to wonder how a person can fight against the story that is being told about them when they don't have similar story-making abilities. This is where it may be relevant to discuss the equalising factor of accessible (state-funded) legal representation.

Importance of legal representation

Legal representation is vitally important and may be a key difference between understanding the court process and being heard in the court. One indication of the importance and possible consequences of poor quality representation is shown here in a quote from Cara:

we assume they're going to read and understand the language. How do we know whether they can or they can't? ... and then we're relying on their solicitor to explain it to them who may or may not have the time or the inclination to, and that's when all the wheels come off in the very beginning.

In this quote Cara identified that not all legal representatives are equally active or in regular communication with their clients. When there is a gap in communication, parents might ring Community Services staff and want to talk to them about the documents. Community Services staff, though, are not allowed to provide any advice

in that area. Cara saw that parents who have poor representation or no legal representation at all are at a distinct disadvantage.

1 it comes back to that what we talked about before about everyone having the same kind of legal representation and being able to put that level of information before the court. So if you're not represented how are you going to know what the court's needing, or how do you counteract ... a claim that's been made by whatever party, or put in the evidence that supports what you're saying.

An important demonstration of the role that an active legal representative might undertake is illustrated by Simon when he talked about what he, as a legal representative, has to do to help parents who might not have good literacy. He said:

1 Regularly ... at least once a month, I do an affidavit that says at the bottom 'the deponent not being able to read, and the deponent being illiterate, I have read the affidavit to the deponent and he appears to understand the contents, and he stated that he agrees with the contents'

Margaret stated that the duty solicitors are experienced in this court and capable of providing effective representation:

1 these people have been doing this work for years. ... they should be able to give some pretty adequate advice in a short space of time

And yet, the capacity for Legal Aid solicitors to provide an equitable representation is limited. Considering the description of the resources available in Community Services to support a caseworker drafting an affidavit (remembering Cara's description above, of at least three sets of eyes going over every item that is created) the following account by Simon is highly illustrative of the difference. I asked:

1 if you've got a case worker, case work manager, legal [representative] within the department all spending some days on it, do you have the same amount of time that you can spend ... [on your clients' affidavits]?

To which he said:

No, of course not. Our job is to reply to the department's material and sometimes we need to reply to a lot of those things that are attached to the affidavit.

... we try and address each of the issues that the department's raised in their affidavits, but we don't have the luxury ... I mean my average affidavit will be five pages.

And so lawyers acting for parents need to develop skills of sorting out what matters need to be answered and to be able to do that within... we need to be able to do that within, you know, within two hours at the most. I would spend two hours preparing an affidavit, that's it.

A different issue relating to inadequate or ineffective legal representation is when a parent (or other party) might not be entitled to Legal Aid because they are working. As Mandy said:

another difficulty for some of our clients that work [is that] they might not be entitled to Legal Aid, but obviously it's very expensive to employ the services of a solicitor and some of them can't afford that, so therefore they do represent themselves

Nathan was in that exact position. What he said when we talked was:

if I'd had a good lawyer who knows what would have happened, but how much money was it going to [cost]... ...was I going to spend my home deposit which I'm going to ... give to my daughters one day ... on a lawyer?

Issues relating to legal representation were described in a piece of research looking at the NSW Children's Court (Fernandez et al. 2013). That research identified that parents with less money and lower education face big obstacles in the court. They also found that when there is not enough time for magistrates to provide a thorough explanation of the court process and outcome, and where there is very little private legal representation, parents struggle to understand what is going on. The researchers noted that many parents fail the eligibility test and therefore can't get a grant of Legal Aid. This research has also found that differences in literacy levels, combined with

limited access to legal representation, are part of the issue of power imbalance that you noted when we talked.

Power imbalance

When talking with Mandy, the question of literacy arose as it had done in previous conversations. This time, though, it was part of a broader point she was making about there being an inherent power imbalance between professionals and parents in the children's court (and child protection in general). Power imbalance has been written about by Lonne (2013: 13), for example:

Contemporary child protection systems often appear to run more along the lines of a command and control approach where those with the power clearly make the rules and then impose these on those who are in their control.

This power imbalance is present when Community Services sets the ways of parenting that parents have to comply with, as well as being present in the language used in the court process and the court documents. Some of the points Mandy made in relation to this idea were:

it's very hard for parents to see, I think, when you are trying to work with them because at the end of the day they are very powerless in this situation, we hold the power, we dictate what our expectations are of them, what you need to do to get your child back

it's certainly something that in my role as supervisor I talk to the caseworkers about a lot,... and we try to remember we're in a position of power ... and always thinking about the language that we use because that can create that position... it can heighten the power that we have when we start using ... language that the clients don't understand ...

I asked Mandy:

Is there anything in court document practice that helps to address power imbalances?

She said:

it's more heightened than anything, because when we write a court document it gets settled by our solicitor so that the language we use within that court document is very professional and it's of a ... highly educated level whereas, our clients probably don't have that same luxury. ... if you saw two, a community services affidavit and a client affidavit you could definitely see a difference between it and I think that just heightens a power imbalance because ... they might not even be able to read it

She also said:

and then just our ... understanding of the court process in general about words like, you know, establishment, and in need of care and protection, and the Children's Act ... the language that might get thrown around and used in the process of the Children's Court. We're familiar with it because we do it day in day out, whereas clients don't ...

And:

... obviously that depends on their solicitor as well, and whether or not they're willing to talk to them the whole way through it, or whether they're just going to run with it and tell them afterwards. So that would make them feel very powerless as far as not knowing what's going on. ... and it heightens our power over them because we understand what's going on and they don't.

I can't see anything within the court process that assists in addressing that

Distinct from the notion that knowledge is power, this extract and other comments suggest that literacy is power in the court setting. What Lonne (2013) seems to have been writing about was the ethical use of power in settings like child protection where there are such significant power differences. From my conversation with you, Mandy, it seems that you and your team spend a lot of time talking about that, aiming to be more thoughtful about it all the time.

The effects of documents

At this point in the thesis I think it would be good to look over some of what has been presented so far – to think about what we can say about these court documents and different people's experiences based on what has been shown up to this point. First,

the Children's Court requires that all material and evidence is submitted in document form. If you work in the system there are certain ways of writing that are required (for example, affidavits must be facts and not opinions) and there is an expectation that you will be balanced in what you present. At the same time, there are many places that show everything that has gone wrong (or has been done wrong) in a person's life and few places that create documents showing positive aspects of living. These things are all aspects of the court document genre. Second, the number of documents in any one care matter can be huge. If you can't read very well you are in great trouble. Also, if you can read, but can't write very well, you know what is being said about you, but you can't effectively answer back – I don't know which of those situations would be worse. Third, it is the role of legal representation to respond to these documents for you or with you. But, most often a parent's legal representative doesn't have the resources to dedicate to their case when compared with the resources Community Services have to dedicate to theirs. Alternatively, a parent might be earning some money and not be eligible for a grant of Legal Aid, though they probably can't afford a private solicitor. Fourth, documents have a central place in saying what is involved in being an okay parent – in various ways they provide lists and descriptions of what a person has to do to be a good enough parent. Finally, narratives are deeply embedded in court documents. In the examples in this research, those narratives of the main character – Nathan – are negative and unchallenged. From all of this I have come to see documents as physical items that:

- are formed within constraints (particular ways that things have to be done);
- reflect enormous differences in terms of resources and abilities (inequity);
- serve as concrete reminders of the most difficult moments in a person's life;
- provide a measure of the parent they should be (regulation).

Having described what documents are like, it is time to move on to a picture of how people react and respond to documents. This is another point at which many of your views lined up and there was a high degree of consistency in what you said to me.

In presenting this material I am including large sections of direct quotes – fuller amounts of the specific things that you said. I think that is required in order to fully appreciate what you were saying. Also, you said things in much more effective ways than I can write as a summary of your comments.

The following quotes provide a rich amount of content from what Cara said about the effects of documents on people.

When it's in print and you're reading it I think it hits harder, I think the reality is they're going to read it and they're going to be hurt, you know, or upset, or angry, or whatever it is...

I think they're going to affect the parent from the get-go, from the time you serve the original paperwork of an assumption or a removal paper, that piece of paper that doesn't look like much, you know, one A4 piece of paper but their child is gone, has to be... I don't know what they think when they hold that bit of paper. I've not seen a parent actually look at it and read it at the time that I've given it to them.

I'm sure I've got cases where the parents absolutely read them, go through them, respond, you know; they have good solicitors, they're better educated themselves, whatever, and other good supports in place, so other professionals supporting, drug and alcohol counsellor or whatever, but I would say the majority of them that don't, every time we hand them another document ... it feels like another nail in the coffin.

Simon described some different ways that people have responded to court documents. These reactions illustrate the point that the documents do actually have an effect. He said a number of different things I think are relevant, for example:

...I've got a girl here today ... she's had a tough life and she's got a very hard shell ... And to communicate with her I send her documents, and she can read, she's reasonable, she can read, it makes her really angry. She reads this stuff and says "I'm really angry, I thought I was doing a good job of raising my daughter" ... And so when [Community Services] send this material out she finds it really offensive, and it antagonises her ...

the [Community Services] material presents their life in a negative light, and one of the things people often sit in this room and say to me ... "[Community Services] say that I haven't got any family support. That's bullshit." And so they do, they do become angry about that, because [Community Services] just say things like the mother has no family support. They just make that generalised statement. And, you know, we have to... we can refute that, but it makes them angry because they don't see their life as being like that.

I had a guy ring me the other day who... I had in proceedings here about three years ago, and he got on the phone for twenty-five minutes, so angry, he has his daughter back with him now but he's so angry ... he was talking about the documents, he said "all those things that were in those [Community Services] affidavits he said at least half of it was straight out lies or just someone's reported something that wasn't true but they stick it all in their affidavits", and his anger... he's just so angry ... he said "I just can't live like this". I said "you've got your daughter back", and he said "but it's eating away at me, the whole thing's eating away at me", and he kept talking about the affidavits ... he pulls them out sometimes and looks at them and they make him angry. They make him angry, and this is three years after it's finished.

I have to photocopy these affidavits and send them to my clients who then read them, and I tell them to read them and then ring me, and a lot of them don't even bother ringing, they're just too angry. They said "I read that and I was angry and I threw it in the corner and left it there".

At another point in the conversation he said:

Well I know they have an effect on my clients. When I send them five hundred page affidavits they do get angry. Clients get angry because they, all they see it as, it's [Community Services] putting out more material against them, you know, and it's [Community Services] showing their case to the court, but for these people they feel it's like throwing it at them ... this five hundred pages ... and in the course of proceedings there might be four or five of those sized documents come out.

I mean, these people don't know what to do ...I give them to them and say did you read that, and most of them, or a lot of them don't read them, they have a bit of a glance through, and they might flick through and notice one of their medical reports at the back, or a drug screen they failed, but a lot of them don't read the material.

... so they just get served with this wad of information, it's like a bomb hitting them. You know, they go to the letterbox and here's this massive heavy thing and it's all material about them, negative about them. [Community Services] select all the bad material, put it all together and give it to us and we give it to our clients, and so it's very disheartening for them.

Simon also considered the effects of documents when he described the possibility of children reading them. As he said, a child who is over 12 years of age has to provide direct instruction to their legal representative. It is logical that in order to be able to do this they would need to see (or otherwise know) what is in the documents in order to respond to what has been said. What it might be like for a child to read a document is something to consider. Simon said:

So if a kid is going to give instructions to me, a kid over 12, and that's what they're allowed to do, a 12 year old should give you instructions, then I should go to them and say you need to give me instructions about this, that means you need to tell me your opinion on this and what I should do about it. Well how do they do that without knowing the facts in the matter? And the facts in the matter are ugly and they're about their parents, so it's a difficult... it's difficult to strike a line... you know, to follow a line that is not hurting the child or making them have to grow up too quickly ... But I don't think that's necessarily a positive thing to happen for a kid that age ... and I don't know whether children should see them all or whether they should simply have them explained.

From what I understand, when Community Services is involved in people's lives it is often experienced as an intrusion and they are resentful. When involvement leads to an application for the care and protection of a child, that feeling can be amplified. Throughout those processes there may have been interviews and meetings and conversations. Perhaps a sense of respect could have been created while that was going on. Maybe a positive working relationship might have been developed through that process and yet, when the court papers are filed something different happens. Mandy talked about it in this way:

I've seen some quite negative effects on birth families when working with them, when they see the type of information that Community Services holds, it has access to in regard to their personal lives and then for us to put that down on paper and submit it and different people read it.

I've been in situations where we worked to a point where we had our relationship, Community Services relationship with mum ... but then when we put in the Subpoena Affidavit which was all her history and it was quite negative ... it changed the relationship. And we were able to bring her back, but it certainly changed it ...

She also talked about the possibility of documents leading to conflict between parents. One example she gave was a father getting angry and possibly violent towards a mother because she called the police during a domestic violence incident and that has become a police record which is now reported in a court document and being used to illustrate their lack of capacity to parent safely. Another example is the impact on a parent who is suffering mental health issues and how they might respond to the documents. Mandy said:

For mental health ... I know we've had one situation where mum had quite a history of depression and we were concerned about her reaction at seeing all the information down.

Going back to my conversation with Cara, there was another point I think is important – that the documents written for court, that are about the actions of a child's parents, will have effects in the family beyond the parents themselves. Cara talked about the effects on different generations such as the child's grandparents but also the child when they are old enough to read their file. She said:

and we think about the parent when we're writing a document, but it's not just the parent that we're going to be affecting, there's going to be grandparents somewhere there ... there's children, they're going to read this when they're adults.

This material cannot show us what the effects of documents are, but it does show your observations about how people who are the subject of documents react and respond to them.

As a key question in the research, I was also interested in the effects of documents on you and it was a question I asked you all. What was interesting was the way you each responded to that question. Mostly, there was very little comment about the impacts of documents on you, or a suggestion that they have no impact. For example, Mandy's immediate response to the question was:

No, it doesn't have an emotional effect on me ... the whole process of removing children probably has more of an impact on me than the court documents that follow ...

Mandy was the only person to say directly that the documents had no emotional effect. Most others spoke about something different at that point – the effect on parents was what Simon and Cara spoke about first. What Mandy said next about

documents was about the way that the deadlines of the court process are stressful and that these deadlines can have an effect. She said:

1 So probably the only emotional impact that we'd have in court documents is the fact of the deadlines. ...we have filed a document that probably wasn't up to the standard that I would've liked just because we ran out of time.

And the further consequence of that is that the solicitors or the parents and the children only get the documents late in the process and maybe the parents have not been provided with a copy much before the matter is due in court and that makes it harder for them. Looking back at the transcript it seems that during the conversation I was noticing the level of responsibility Mandy held in relation to documents and the parents who were their subject. I asked her:

1 Is it how you see it, partly, as a manager your professional responsibility is to work with the process and work with the system as well so that everyone gets a fair go in terms of seeing the documents in time?

To which she responded:

1 Yes. Yeah, that's right. And there's... that whole thing of the writing the document and getting it served in Court, that's just the first step. Then we need to go and make sure that everybody's got a copy of it and make sure that they all have the opportunity to read it before we talk about it the next day or whenever it is we will talk about it.

Scattered through the conversations, though, were some small examples of the effects of documents on you as professionals, when you are readers of documents – especially when you are the subjects of those documents, too. In the previous letter, I presented what Nathan said about the effects that the court process and its documents had on him. Adding to that, I want to provide some things that Margaret and Cara said. For example, Margaret said:

Some of the things I read I find horrific. There is nothing I can say other than to say I find them horrific. ... And to think that a child has been subjected to something like this. ... it has an enormous impact on me. I go home and I think about it ...

they have a lasting impact because for the time that you're here you're involved in their life. And even though I never see the children, or rarely do I ever set eyes on a child... ...I wonder about them and I think of their little lives.

This comment says something to me about the power of court documents to 'bring their characters to life'; especially the child – the one character the court is likely never to meet, but is most concerned about. It leads me to the question, 'what is the degree of fit between the person created in the document and the person in the flesh?' or, said another way, 'what happens when the physical person doesn't experience themselves as the same as the paper person?' Is that what some of the strong reactions are about?

Perhaps providing some hint at an answer to this, Cara talked about what it is like when a caseworker is mentioned in a parent's affidavit:

I don't think there's a caseworker out there that hasn't had a parent reply by affidavit ... and there's stuff about us written in there... ...and they've gone "oh, crap, that's not easy to read" or "I didn't know they felt that, or thought that". There's been parents who have definitely filed affidavits where they've kind of had a go at us, personally ... I would say 99.9 percent of the caseworkers here are professional enough to look at it and go yeah, that's their emotions. But as a human being you'd still go "ah, I just want to"... you know, "answer back to that, I want to reply, I want a rebuttal to that, that's not right", but then you move on, you know.

Cara's comment here says a great deal to me because it highlights something about being the subject of someone else's affidavit – being a character in a story someone else wrote. It can have an effect even when you are the person with the greater level of power in the situation. It seems to be about the experience of affidavits particularly, because of the way Nathan responded differently to the affidavits when compared with the clinician's report. I don't know what Nathan thought about the Care Plan, we didn't discuss it and I am not sure he got that far with reading the documents, but I wonder whether the effects of that document are similar or different.

Gender and responses to documents

A small thread that I followed in second conversations with people, because it was mentioned in one or two first conversations, was a question about whether there is a difference between how men (fathers) and women (mothers) respond to court documents. As with other aspects of the research, there was not a universal agreement in the answers to this question. While some had a view that fathers, more than mothers, were likely to get angry about what is written, it was also seen that there was not a particular rule that could be applied. To some extent there was a view that the difference was between those who were willing to work with Community Services and those who just wanted to fight against the injustice of the situation or focus on inaccuracies in the documents. There are two different aspects that were raised, though, on this theme – how Community Services works with men and how men respond to documents. The first of these – how Community Services works with men – was described in these ways:

Describing one of the difficulties for fathers, Simon said:

I'm working more towards trying to get unsupervised contact visits for fathers, and more regularly, because that contact visit, you know, once every two months for two hours in a [Community Services] room somewhere you can imagine why people don't turn up after a while because they just find it humiliating, they find it too short, they can't play, they're not near a park, they can't play, it's truly difficult.

He also described changes in the ways that fathers are involved and the ways that Community Services has been doing things over the past little while.

I think fathers are participating more in the process and that [Community Services] have been more thoughtful now in thinking that a father might be a better carer than a mother sometimes ... rather than just writing him off ... I think there's more children restored to fathers now than there ever was.

Along with an overall change of view of men as possible primary carers, there are changes in practices regarding documents. Simon said:

Yeah, well they have to serve the father, you know, they always serve the father. The magistrate's reluctant to proceed on with the matter at the early stages if the father hasn't at least been served, so they go to all... whatever lengths they need to, to find him, and at least give him the documents.

This view that fathers are more included and supported now was not necessarily everyone's experience. Nathan, talking about different treatment of men and women in the system said:

when [my other child] was taken, you know, I noticed that they would do everything to help the mother out, put her in courses, pay for everything, and when it came to me I had to beg and search and find out the information ...

I've got a bloke at the moment going through it, I said "I don't know how you're going to get a fair go", that's the way I see it and that's the way a lot of people see it.

Maybe Nathan's comment here (and things he said earlier) sheds some light on the issues that Margaret describes in this comment:

we were talking before about fathers feeling that it's a bit overwhelming ...and feeling that it's all too hard and then me trying to get them to just follow the process and do what they can, but often they don't, they give up; they give up.

Maybe the nature of the interactions leads to the next element, men's and women's responses to court documents. For example, Mandy said:

I could generalise it I suppose, like yes I've had females who are probably more likely to be a bit more passive and say "tell me what I need to do to get my kids back", whereas males might be a bit more "you can't tell me what to do, I'll do what I want"; there is possibly a difference around that. But... I've had the reverse as well ... so I don't know whether that's a gender thing or whether that's a personality thing.

Margaret said:

it's easy to miss the focus about the application ... they might say "so and so's a drug user, and he's got a long criminal record, and he has weapons, and he's got many offences for violence". Well they focus on that and get all upset about the inaccuracies of that, which I don't blame them but that's not the point because [Community Services] have also said, "if you do this... ..this and this... ..we'll restore", but they don't focus their energies onto that bit, they just want to challenge all the inaccuracies in the document. And so they miss the point

But, a more direct description of different gendered reactions to documents came from Simon, who said:

Well men tend to be more angry and aggressive. You know we've had people in here try and punch holes in the glass wall, slamming the glass doors, trying to break them, and they're always men. The women will... the women will almost always sit with you and process, process... try and process the whole matter and figure out a way forward, whereas men tend to... and this is generally, men tend to be more angry and more defensive. Women generally are less defensive and more wanting to solve the problem and move forward. That's a generalisation, but ... I'd say that applies in seventy-five percent of cases

Bringing these two dimensions together – the interactions with the agency and the responses that men can display – Cara talked about what it might be like for a man interacting with Community Services as an agency. She said:

That's the only thing I can say in relation to the genders for me; I think both of them equally will want to argue or defend whatever it is that they read ... because they're offended, or they feel the need to defend themselves, whatever it is, but I think sometimes again we're a highly female populated workforce here as well, so maybe females feel easier talking to a caseworker or will have a different relationship anyway, males generally won't have that.

Like other aspects of this research there is not a broad enough sample to find a general thing to say about men's and women's experiences or responses in the child protection court context. It would be interesting to get the views of a much wider selection of people of different genders and in different roles. Some researchers have done that and I presented information on that in the letter to Nathan. His comments were quite consistent with other research into men's experiences in the child protection setting and court processes (see, for example, Cameron, Coady & Hoy 2014; Coady, Hoy & Cameron 2013; Huebner et al. 2008; Strega et al. 2009; Strega et al. 2008).

Gestures of consideration

When Cara said, as noted above, that caseworkers writing documents think about parents when they are writing, and at another time talked about the responsibility that comes with being the author of documents, I got a sense that even when having to “churn out documents” (as she said), it's not inevitable that caseworkers will become machines, mindlessly manufacturing paperwork. Instead, caseworkers might think about the people they are writing about, and think about the effects that

documents will have. Taking a step beyond that thinking, caseworkers might try to do things that make a difference for people (parents) in the writing or delivery of documents. Adding more detail to that point, I want to provide another extract from Cara's interview. This shows that not only are you, Cara, thinking about document writing but also thinking about delivering documents to people and imagining what it might be like for the person to read them.

In the initiating application ... the parent's not represented so they're the first person we serve ... that has all our supporting information attached to it about why we've taken the action we have. ... whenever I hand that first initial application about why we're removing a child to a parent I always say to them "this is not going to be easy to read. You're going to read stuff about yourself, and it's never easy to read anything about yourself" ...

... it cannot not affect them. They've already had something happen anyway, an assumption or a removal, they're in the court arena, that's already horrific, but then they're going to read in print...

When it's in print and you're reading it I think it hits harder, so I'm always a little bit trying to prep them

Following on from that, and putting all of that into perspective, Cara said:

I think the work is not about what we're handing in the paper I think it's about the conversations we're having. You have to have a conversation with every document that you do. I think that the engagement is the conversations we have with them ... if we're wanting change or understanding it's that. I don't think it's going to be the documents unfortunately.

Attention to the effects of writing was also shown by Mandy in many moments during our conversation. I have gathered a few of your comments here:

I think when you see it on paper you get to read it over and ... for birth families maybe they comprehend it more, whereas in a conversation they answer the question and then it's forgotten, possibly. And maybe sometimes it's not so much the reaction to Community Services but their reaction to seeing that aspect of their life down in paper and all together and the shock of "oh my god that sounds and looks really, really bad but it didn't feel really, really bad when I was living it".

... putting it in the court arena they lose control over who gets access to all their personal information. ... I guess the fact that putting it to court puts it into another arena where different people have access to it where if it was a letter just to the person, then ... who they share that letter with is their choice.

... we try and make it that it's not a surprise as far as... the information that they see, it's not too much of a surprise to them. As you said, we should've already had those conversations with Mum and Dad and they should be aware of what our concerns are, so that's my responsibility.

... we definitely have a responsibility to make sure that we don't put our... you know the parents don't place themselves in any risk or... and we're aware of that and we try to take measures to address that as the situation requires, I suppose. I think... we take our responsibilities very seriously about that.

... we're not flippant, I guess, in regard to it, that if there's stuff in there [documents] that's going to have an impact then we have the conversation and make sure that they're going to be okay with that.

Similar to the concern that Mandy expressed about parents reading the court documents, Simon showed that he felt concerned also. He said he was concerned when sending parents great big bundles of documents and felt responsibility for helping his clients identify the most important information in order to be able to respond to it, as he indicated here:

And I am concerned with some people of course that they can't read it and that I have to mark it with pink highlighters. And when I send Care Plans to people, the document, often with Care Plans I quickly flick and I mark on any of the areas where it says what Final Order [Community Services] want, what contact they're proposing and mark it all with pink highlighters because ... a lot of people have trouble reading or going through a ten to thirty page document; for people who left school in year eight.

That parents in the child protection system, including in the court, have difficulty understanding what is going on has been reported by other researchers (see, for example, Douglas & Walsh 2009; Fernandez et al. 2013). The quotes provided here show that you, as professionals, recognise those difficulties. The quotes also illustrate the gestures you make – I didn't ask why or what you hope to achieve; maybe it is to

reach out, to soften the blow, to try to be fairer, or to level the playing field that little bit. I got the impression that sometimes you are reaching around the policies or bending the rules a little in order to achieve this. An example from Margaret perhaps illustrates that last point:

I *do actually believe in a sort of sense of natural justice. If somebody really thinks ... I should know something I'm inclined to let it in. Some people would not do that. ... They will rely strictly on the filing timetable that has been given, and if it's not been adhered to then they will say "well look, bad luck". ... Which is probably the right way to go about it, but I often don't do that ... I do it with the best of motives, but maybe... maybe that's not wise.*

I heard (and later read) this as a statement of ethics – a position that said something like, “I know that there are rules but sometimes I think there is a more important consideration, even if it can make some things more complicated”. Maybe that draws together a number of things that Margaret talked about including a sense of the enormous consequences of the decisions being made and how important the best evidence is.

The material I have drawn out is made up of examples of personal action that suggests an attempt to make things a little better in difficult situations – perhaps they demonstrate moments of consideration or care in spite of the rules and guidelines you have to work within; reaching out past the boundaries of your role. That material spoke to me because it illustrated the personal inside the professional – something I am generally very interested in. It held particular meaning, though, because of some theory I had been reading before I started the face to face part of this research. The theory is called ‘regimes of living’ and was first written about Collier and Lakoff (2005).

Regimes of Living

‘Regimes of living’ grew from the idea of global assemblages, which I talked about earlier in this thesis and this letter. Briefly, to recap and point out the most relevant aspects, global assemblages are those ways of doing things that have a common ‘umbrella’ idea (such as child protection) and globally shared components. They have generally consistent features so that they can be recognised and talked about or work cooperatively across a range of different settings (countries, for example) but are also flexible enough that they can be adapted to local circumstances and tailored at the point of being applied. Specifically, child protection has been an international, state supported approach for intervening on behalf of children since the late 1800s. It has always had, though, laws and policies that were distinct on a state by state basis. This can be seen within Australia as well as between countries. While there was a general

spread of child protection through different minority world⁴⁵ countries, from the beginning the development and ratification of the United Nations Convention on the Rights of the Child encouraged its further development and expansion across numerous countries – particularly an increasing influence in majority world countries. As a result, child protection is now a globally shared project with a largely common language, a global research project, and many common tools for assessment and intervention. The notion of ‘the child’s best interests’ is a consistent underpinning idea. Regulation is one of the particular features of contemporary child protection practice. Defining and ensuring acceptable parent behaviours is one aspect of this regulation. Another aspect is managing the way staff work. Regulation of professional practice is achieved through limiting personal discretion and extending capacity to monitor or review people’s work and decisions on the basis of documentation and audit.

Within this theoretical space of *global assemblages* the idea of “regimes of living” becomes relevant. Collier and Lakoff (2005) particularly talk about people finding ways to act in line with their ethics in highly constrained circumstances. That is to say, people who live or work in situations that are heavily bound up in rules that would stop them from acting in ways that they think are right (or in ways that they don’t want to change), might find ways to do what they think is right. This is not about people overthrowing the imposed systems. It is about people finding ways to act that they think are right, even if they have to fudge the guidelines to do it. Collier and Lakoff (2005) identify in their work that when people act against the regulations or codes of conduct that have been provided, they do so within an ethical reasoning framework – acting in ways they believe to be ‘right’ or ‘good’.

There was a piece of research done in the United Kingdom that I think effectively illustrates the idea of regimes of living. In the UK in mid 2000s new tools for doing child protection work were introduced, one of which was the Common Assessment Framework (CAF) (White, Hall & Peckover 2009). This was an assessment document used to review children’s needs and refer on to services. Part of the purpose of the CAF was to assist with information sharing between agencies and also to regulate child protection workers’ practice by setting out what information should be shared and structuring the ways in which it could be shared. The CAF had set fields for particular information, size-limited boxes for entering information relating to those fields, and no space for free text “to integrate the various parts or set a context” (White, Hall & Peckover 2009: 1200). What the researchers found, when they examined completed

⁴⁵ Minority world refers to those countries which have smaller populations but the greatest levels of wealth, highest life expectancy, industrialisation and deep economic reach into majority world countries. Majority world countries are in the opposite position, without economic reach into minority world countries. Majority world countries have commonly been referred to as ‘third world’ or ‘developing’ but this is argued to hide the structural inequality between the two groups (Punch 2003).

CAF forms, was that workers did not just stick to the predefined boxes but wrote in margins, attached information and generally found ways to tell the story that they felt needed to be told, in order for the other workers to understand the situation or the child being assessed. Regimes of living theory can be applied to what the workers were doing in this situation – finding ways to do what they thought was right, despite the imposed limits.

I was aware of this theory when I started this research and it was important to me when forming what I was going to do, but I didn't specifically ask about it in the research conversations. I did, though, make sure that the interviews were open enough to allow it to be revealed; I did listen for examples when we talked and I did look for it when I read the transcripts. The quotes I presented just before this section are where I recognise your acting in line with a personal ethic, even if it is not in keeping with the strict rules or policies that surround your professional work.

During our interviews you each provided examples of how the court process is difficult for parents and you each talked about gestures you make to help (even if only a tiny bit). When I heard this in our interviews, and when I read this in the transcripts of those interviews, I was moved, heartened, excited and hopeful. In this material I sensed a sincere wish to help (even if it was only a symbolic gesture). It suggested a recognition of the difficult and (perhaps) impersonal aspect of court documents and that people on the receiving end of them needed something more – a personal connection of some sort. This deepened my picture of what is going on in this space. As a first step in wrapping up all this writing, I would next like to share with you some of how I picture what might be going on.

How I visualise the situation

I am not sure if you are familiar with the photo presented below. It was taken during the Tiananmen Square conflict in China in 1989 and quickly became famous around the world. It shows a man (who became known as “Tank Man”), dressed in a shirt and trousers, carrying plastic bags (it looks like shopping bags). He is standing in front of a column of four tanks – apparently stopping their progress. In the front tank there is an open hatch and a soldier’s head is raised enough for him or her to peer out at the man in front.



Figure 10: Tank man; photo by Jeff Widener, Associated Press, 1989

As I mentioned in the letter to Nathan I find images can be very helpful for thinking and for a long time I have been returning to this photo to think about this research. At first I saw the rumbling bulk of the unequaledness in this standoff – all that armoury compared to flimsy bits of fabric as protection for the skin and bones, heart and head, that might be the casualties of the conflict. I couldn’t help thinking about the mismatch between a parent and Community Services when battling over the care and protection of a child. The vast resource and capacity difference seemed to be summed up by this image. Following that I thought a lot about the two sets of eyes seeing each other – the soldier in the tank and the man on the ground. I thought about them watching, considering and (perhaps) connecting with each other (even if as adversaries). I thought about the human interaction in the process. This aspect caught

my attention for a while because in an image like this the soldier in the tank ceases to be a person and is only seen in terms of her/his role and weapons. I wondered for a while whether that is how you feel seen – dehumanised because of your work and that the struggles, dilemmas and personal efforts don't get recognised. That is why I liked the comments above that show the things you think about and the things you attempt with regard to documents – (in my words) 'reaching out' to people. Further illustrating this de-humanising point, the man in front of the tank is seen as a person while the person inside the tank is seen less in this way. When I searched online for information about this moment there were multiple sites asking "who was Tank Man?" but there was not one that asked "who was the soldier?"

There is additional information about this tank standoff that I think is interesting. First, this is one moment in a long and shifting series of events. There are other photos in this sequence, taken by the same photographer (Jeff Widener, Associated Press, 1989), that provide more information (I have provided five of these photos, below). They show, for example, that the tanks tried to drive around the man but he moved to continue standing in their path (2nd photo). Second, there are another twenty or more tanks involved in this whole process of responding to the student protests (1st photo). This is a fragment of a much larger force working to restore government control of the situation. Another thing of note is that the soldier did not start looking out above the tank – when driving the soldier couldn't be seen, but is enclosed within the tank (3rd photo). At some point the soldier opened the hatch to see over the top and look directly at the man in front. Then, a photo following this one shows the man climbing up onto the stationary first tank and getting in through the top hatch (4th photo). A final photo shows him getting down off the tank and being carried away by others in the protest.



Figure 11: Photo 1 - tanks approaching; photo by Jeff Widener, Associated Press, 1989



Figure 12: Photo 2 - stopping them from going round; photo by Jeff Widener, Associated Press, 1989



Figure 13: photo 3 - main image; photo by Jeff Widener, Associated Press, 1989



Figure 14: photo 4 - man getting into the tank; photo by Jeff Widener, Associated Press, 1989



Figure 15: photo 5 - man carried away; photo by Jeff Widener, Associated Press, 1989

No one, so far as I am aware, has told the story of this moment from the perspective of the Tank Man or the soldier. What motivated that man to stand in front of the tanks is not known. Precisely what he did when on the tank is a story that has not been told. One published version of a reporter's eye-witness account is:

They did this a couple of times [the tanks moved from side to side, each time blocked by the man], and then the tank turned off its motor. ... And then it seemed to me that all the tanks turned off their motors. It was really quiet; there was just no noise. And then the young man climbed up onto the tank and seemed to be talking to the person inside the tank. ... After a while the young man jumps down and the tank turns on the motor and the young man blocks him again. ... I started to cry because I had seen so much shooting and so many people dying that I was sure this man would get crushed. [And] I remember thinking, "I can't cry because I can't see; I want to watch this, but I'm getting really upset because I think he's going to die" (Frontline 2006).

With a view informed by your comments in our conversations, I think about that moment of two people meeting, seeing, then talking to each other – two people with extraordinary difference in capacity to injure each other. Were there any gestures (in addition to stopping the tanks) of consideration? What happened for the soldiers in the tanks when they went home that day, took off their uniform and sat with their families? Did any of them:

come home from work, carry a kitchen stool outside, take off his helmet, sit down – and weep; weep for what he had done that day?⁴⁶

What would happen if we knew more about how people doing these difficult jobs feel about what they have to do – including how they feel about the not so physically brutal tasks such as writing? Could it be possible to tell those stories without losing sight of the stories of the people living with the consequences?

It is because of the consequences that I cannot leave my reading with a sense of ‘under this system we all suffer’. Some suffer more than others; for all the discomfort I felt at work, I was kept in a very comfortable standard of living and never experienced life as the children and parents in whose life we were involved did. During that suppression in Tiananmen Square the tanks were real; the bullets used against the crowds were live and the unequal capacity for causing harm could not be balanced. Many people died in Tiananmen Square during that suppression; few of them were soldiers. But, who knows the stories of the soldiers? Who knows their thinking, their feeling, their choices and the things they did not do that they might have been ordered to do. Using all of the material within this research – all of the hours of talking and all of the reading and listening – I am paying attention both to the people and the armoury. This two-sidedness is also what I am paying attention to when I think about child protection court documents.

Inga Clendinnen (1999) is instructive regarding seeing situations from two sides, as well as responding to inherent inequality. In the opening of her first Boyer Lecture in 1999 she describes an interaction between French scientists and a local Aboriginal woman on a beach in 1801. The woman did not flee (as her male companion did at the scientists’ approach) but threw herself face first flat on the ground and stayed motionless there. Clendinnen recognises that the scientists did not assault the woman or attack her (as many Spanish had done on other continents and many of the English explorers after them did to Aboriginal men and women) but they did observe her, lift her off the ground and physically examine her (for example by placing fingers in her mouth to check that she has her front teeth). Having made their examinations they left gifts and retreated. Clendinnen recognised that from the men’s perspective they had meant no harm and had acted considerately. She also, though, wondered what it might have been like in the skin of that isolated and pregnant woman. What might it have been like in the moment and might there have been consequences when she returned to her group after the incident on the beach. She asked her audience to consider that not meaning to do harm does not mean that no harm was done.

⁴⁶ This is what Inga Clendinnen (1999, referencing Robert Manne 1998) describes a 1930s country Victorian policeman doing after spending a day implementing the government’s policy that we now know as ‘the Stolen Generations’. We know now, from many Aboriginal people telling their stories, the destructive nature of these policies. We know less about how the police, or other workers felt.

Conclusion

This research started from something I was worried about – that the writing I did while working for Community Services was part of making an agonising time in people’s lives even more painful. I felt, as you have said also, that the court process is profoundly unequal in terms of resources, familiarity with what is expected and knowledge of how things operate. Different strategies have been built into the child protection and court processes to try to reduce that inequity – to remove barriers and level the playing field as much as possible. The Practice Notes and legal comment noted above provide examples of that. One example is that Community Services is obliged to present a balanced picture – to put all information before the court, even if that information complicates its case. I didn’t hear anyone in our conversations complain about that. In fact, the changes were welcomed as small steps in trying to make the process more fair.

While there is an attempt at fairness, though, I can’t help feeling that there is an unbridged gap; a disconnect, perhaps, when it comes to writing. Even though there is a consideration for the effects of documents and a care about the consequences that documents might have, from what I can tell, this is not translated into the processes of creating the documents. No one talked to me about seeking, or having seen, ways of writing that are less alienating or less inflammatory⁴⁷ and that parents might have welcomed. Writing seems to be a closed (or at least unexamined) space.

Apart from finding that documents do have an effect on people, one of the conclusions of my research is that the problem of writing court documents might be opened up for examination by thinking about them narratively. This could start with thinking about the story that is being told; thinking how different events are being linked and the causality that is being implied. It could include thinking about the characters that are being created; particularly the information that is being used to develop those characters and whether they are one dimensional, two dimensional, or more. Approaching documents narratively also invites us to think about the readers of our writing – who is the main ‘audience’ in our mind when writing? How might our writing be different if we thought equally about the secondary readers (particularly when those readers are the subjects of our writing)?

I don’t have answers to those questions but I have, here, tried an experiment with writing that has considered some of them. One part of this experiment is to see you,

⁴⁷ I use that description deliberately. I take it from the ways you described people reacting to the court documents. Also, from when I was talking with a friend recently who said of an assessment that had been done about them – “it’s not that the information was wrong but the way it had been written was just horrible”. There seems to be something here about writing what is true, and doing, with the truth, what is right. It is interesting to contrast child protection affidavits or Care Plans with other documents. Somehow, people don’t seem to feel the same about things like the clinician’s report even if it comes to the same conclusions, for example, that a child should not be in a particular parent’s care.

as primary subjects of the document, as also being primary readers of it. This is not new in research; there are many people who have written with their research subjects either clearly in mind (see, for example, Mears 2008a) or actively involved in the writing to one degree or another (see, for example, Horsfall & Pinn 2009). At the same time, I think it might be a different approach in this child protection research space.

Sometimes someone else says things in a way that really sums up something important. In a simple nutshell encapsulation of my whole argument, Roose et al. (2009) wrote about social workers' reports:

It is relevant that any report writer asks himself if the people he is describing would recognize themselves in what is written down: would it be clear that the report is about them and would they feel respected in what is written?

Your comments about people's responses to the documents written about them suggest that this is not the case so far.

Shona Hunter (2008), writing about policy documents, sees them as making a difference in professional social relationships. Her writing humanises them, offering the idea that documents could provide nurture or healing to people in the course of their work. She wrote of her research approach:

... it suggests the way in which policy documents can provide a form of recuperative emotional space in the face of doing tiring and exhausting welfare work (p509).

Later, in the same article, she offered the idea that even in the space of writing policy documents there can be a human – emotive and connecting – element.

While she critiques many current policy document practices (for example by arguing that writing about equality takes the place of doing something to achieve equality), Hunter (2008) also suggests that people engage emotionally (as well as intellectually) with objects such as documents and that there are possibilities for documents and documentation practices beyond just directing action. She also reminds the reader that there is something personal in welfare work (of which policy writing is a part):

... this means attending to the paradoxical fragility and durability of human connections between self and other which can so often seem lost in the daily practical 'grind' of doing welfare work ... (Hunter 2008: 523)

Your comments reflected what Shona Hunter wrote about – that as well as a professional and practical process going on, there is a human to human process that you try to attend to. Maybe sometimes in the court process, in the fight over what is right and wrong, and because of the ways that these court documents shape the world, the points at which people would connect honestly with each other get lost.

Magistrate Crawford (2004), in his discussion of “working with affidavit evidence in care proceedings in the Children’s Court” includes what appears to be an extremely relevant and important point. It may be considered as one of the key findings of this research overall. Magistrate Crawford notes statements (in *Re JC (Care Proceedings: Procedure)* (1995) 2 FLR 77) describing the delicate and difficult role of the child protection worker whose role is to present material to the court regarding the care of a child, while at the same time practising their profession in a humane manner. The Judge wrote:

... the social workers carrying the burden of the case have to continue to try to work with the family of the child concerned and professionally to engage its members in a sympathetic manner as fellow human beings. Thus the social worker who is obliged to give evidence that in his or her professional judgment parents have not demonstrated the capacity to care for their children has at one and the same time to retain a professional detachment and demonstrate human sympathy (Crawford 2004: 7/11).

That each of you, as professionals, described ways in which you attempt to reach across the professional divide, to engage humanely and ethically with parents in the court process, appears to show that this observation is accurate and important. It was not a dictate or an approach into which you had been schooled. It seemed to come from an ethical position in the face of highly constrained circumstances – reflecting ideas relating to regimes of living. At the same time, sympathy cannot bridge the gap of inequity – of greater resources, greater legal support and greater familiarity with legal literacy. That is something that would need to be achieved through changed actions.

There is much in this research that suggests that how the story is told matters a great deal and makes an enormous difference for people. My question, then, at this end of the research process is whether human sympathy can be written into child protection court documents as much as it is present in the actions outside of the documents. Can the process of writing and the story that is produced be part of the human connecting rather than having to try to connect in spite of the documents?

Yours thoughtfully,

Chris

Chapter 3, part 4

Dear Cara

When we met you talked about the numbers of documents that caseworkers “churn out” and how rarely you get to go back and look over what you have previously written. You also said how nothing really prepared you for that part of the work. That has stayed with me; it is a pebble from this research, stuck in my shoe, irritating and motivating me to do something. It seems that to expect workers to spend so much time writing, but not prepare effectively for doing it, is something that could (and should) be changed. To help with that change, I am proposing a course in documents for students who are studying to be social workers and human services workers – many of the people whose degree takes them on to work for Community Services.

The course I am proposing is not about learning how to write. Learning how to write is the easy part. The course is aimed at learning what it *means* to write – the effects, the responsibilities, the politics, the power and the possibilities of our writing.

I am not suggesting that these things have not been thought about or taught before. Research by Gair (2012) that involved interviewing a number of Australian social workers about their professional writing shows that these workers cared about what and how they were writing and the consequences of that writing. It showed the workers thinking about the words they use, trying to manage people’s different levels of literacy and even being careful about the potential for writing to bring up trauma for people between professional appointments. Other Australian authors, McDonald et al. (2015), also describe the power and the potential consequences of the things that social workers write. They argue that most education about writing focuses on the technical elements but not on the implications and ethics of writing. In response to this, they argue that “clients need to be at the centre of writing instruction, rather than the task of writing itself” (McDonald et al. 2015: 365). They have developed a model for social work writing that links directly to the ethics that social work professionals apply and builds on three important principles – being reflective about writing from a client-centred perspective, knowing the ethical codes that are the foundation for the profession and sound technical writing skills.

What is different about the course I am proposing is that it starts from a view of documents as having agency and thinks about the things that documents do as part of ecologies (or actor-networks). It provides students with ideas and experience to understand what happens when we create these ‘actors’ and set them loose into the world. Students will consider the immediate effects these documents might have, but

also the very long term effects at both an individual and social level. To illustrate the point about long-term individual and social effects the first reading for the unit is the article by Dunn and Kaplan (2009) I mentioned in the letters to you and the other professionals, and to Nathan, when thinking about court documents. As a brief reminder, the study is about documents written by different 'helping professionals' (e.g. social workers) that were submitted to court to show how a murderer should not be completely blamed for his actions because of the difficult life circumstances he grew up in. These documents worked against his appeal because they reinforced the view of him as a troubled individual who was primarily responsible for his own problems. The social context that helped create his difficulties was stripped away in all of the professionals' documents. That reading shows how documents that started before a person was born became part of a death sentence more than 40 years later. What is important, according to Dunn and Kaplan is that the documents created and then reinforced a form of individualism that is ideologically embedded in American social and legal culture. The documents presented a person stripped of his social circumstances, with individual troubles and individual responsibilities. Whether Australia has the same ideologies and culture or not, documents we write as professionals are still infested with ideas and beliefs, which is something we all should be aware of and thoughtful about. That those ideologies can be part of someone's real or metaphorical death, shows how careful we must be with the things we create.

The importance of thinking about what we teach students about writing, has also been written about by Spellmeyer (2014). He described the rise of functional/utilitarian and depoliticised writing in university settings as the march of 'value-neutral' education continues. He argues for the necessity of politics in writing and complains about the status of 'composition' being lowered to the most foundational level – a base upon which the later 'important' and 'neutral' subjects such as business, economics and sciences are built. "After all" he writes, "the teaching of literacy is a profoundly political act ... [as] ideas actually give expression to concrete ways of life" (Spellmeyer 2014: 22,23).

The question I hope students will come to think about and try to answer is whether our writing can be something other than destructive. Another question we will hopefully get to is, is it possible to make our documents part of a life-giving rather than life-taking future? A method for achieving this different document future might be the experiments done by Prince (1996) who tried writing child protection case file records with clients. I accept that this might not be possible for court documents but what might our court documents look like if we left university with those questions; came to work in these factories with those intentions; approached people's lives and the monsters we create with that level of care? To me, that would be an exciting class to teach.

There is more to it than that, of course. It involves thinking about the ways that we are subject to documents as much as we subject people to them. It gives students the opportunity to write from different perspectives as well as to write with different styles. It also uses this research as part of the learning process. To show you what the course is about I have provided the unit outline below. I would love to hear your thoughts about it some time.

Enthusiastically,

Chris

A course in [professional-made] documents – proposal for a ten-week unit of study on documents and contemporary social/welfare work practice.

Unit Overview

As professionals, people in social/welfare work may be engaged in writing as much as undertaking direct interaction with service users. The writing that we do as professionals can have enormous consequences for people we are working with or others in their lives. Yet, the practice and politics of this aspect of the work is scarcely considered in professional degrees. This unit addresses that gap. It explores professional-made documents such as case notes, assessments, reports, policies and forms from a number of different perspectives. The unit covers ways in which documents have been studied and analysed; considers the influence that these documents might have; asks what kinds of writers and readers can we be? And, can writing be a part of more just professional practice?

Learning outcomes

- a) Students will have an awareness of the place of documents in contemporary social life and in social/welfare work.
- b) Students will have considered documentary practices, with a particular focus on power, in professional fields of social/welfare work or related professions.
- c) Students will have an awareness of different approaches to document study and analysis used in the social sciences.
- d) Students will have experienced and applied different approaches to documentation and evaluated their consequences.

Weekly Content Guide

Session 1	
Lecture	<ul style="list-style-type: none"> • What sort of documents are we talking about? • Why study these documents? • The place of documents in social life • The place of documents in professional life
Reading	Dunn, K & Kaplan, PJ 2009, 'The Ironies of Helping: Social Interventions and Executable Subjects', <i>Law & Society Review</i> , vol. 43, no. 2, pp. 337-68.
Tutorial	Taking a specific document as an example, this tutorial will provide students with the opportunity to explore how one every-day document might be used in social and professional life.
Session 2	
Lecture	Methods of studying documents: inc. studying documents as a subject (e.g. Lyndsay Prior) or using documents to study a subject (e.g. Foucault)
Reading	Prior, L 2008, 'Researching Documents: Emergent Methods', in SN Hesse-Biber & P Leavy (eds), <i>Handbook of Emergent Methods</i> , The Guilford Press, New York.
Tutorial	Discussion of different approaches to thinking about documents – documents as containers; documents as components; documents as actors
Session 3	
Lecture	The question of document agency – thinking about what documents do
Reading	Brummans, B 2007, 'Death by Document: Tracing the Agency of a Text', <i>Qualitative Inquiry</i> , vol. 13, no. 5, pp. 711-27.
Tutorial	In-class experiment: how far can we trace the agency of a public document?

Session 4	
Lecture	Personal experiences of public documents: what if your life were told through publicly available documents? How do people engage with documents?
Reading	Reed, A 2006, 'Documents unfolding', in A Riles (ed.), <i>Documents: artifacts of modern knowledge</i> , pp. 158-77
Tutorial	Developing a list of the likely public documents currently available about our lives. Who wrote these documents? What is the context and purpose? What is the story of our lives that these would build?
Session 5	
Lecture	Narrative and its applicability to thinking about this form of document.
Reading	Baldwin, C & Estey-Burt, B. 'Chapter 1: Introduction to narrative theory' in Baldwin, C 2013, <i>Narrative social work: theory and application</i> , The Policy Press, Bristol, UK.
Tutorial	Identifying narrative elements in a child protection document – characters, events, point of view, implied reader and implied author.
Session 6	
Lecture	Case Study pt 1 <ul style="list-style-type: none"> Research by Chris Krogh on the effects of documents in NSW Children's Court care and protection matters: a specific application of many of the concepts from previous sessions.
Reading	Thesis Chapter 3, part 3: <i>A letter to a cohort of professionals</i>
Tutorial	Critical discussion of the case study
Session 7	
Lecture	Case study pt. 2 <ul style="list-style-type: none"> Child protection court documents and power, effect and consequence
Reading	Thesis Chapter 2: <i>A letter to Nathan</i>
Tutorial	Critical discussion of the case study; continued

Session 8	
Lecture	Writing: multiple forms and modes; poetry as an example alternative form
Reading	Glissant, É 2013, 'In praise of the different and of difference', <i>Callaloo</i> , vol. 36, no. 4, pp. 856-62, viewed 7th November 2015, via Arts & Humanities Full Text; ProQuest Central
Tutorial	Writing with the subject person in mind; writing with the subject person in heart.
Session 9	
Lecture	The importance of being a good reader
Reading	To be decided.
Tutorial	Practice session – analysis of a piece of writing: seeing what isn't there
Session 10	
Lecture	Document practice in social/welfare work (and other professional settings): policy, politics, personal practice.
Reading	White, S, Hall, C & Peckover, S 2008, 'The descriptive tyranny of the Common Assessment Framework: technologies of categorization and professional practice in child welfare', <i>British Journal of Social Work</i> , vol. 39, no. 7, pp. 1197-217, viewed 3rd February 2012, DOI 10.1093/bjsw/bcn053.
Tutorial	Discussion: what does it mean to do justice in our writing?

Assessment tasks

1. Writing the truth differently. Students will watch a segment of video and write three case file notes, each up to 300 words in length, about that same incident. Each file note will be accurate to what was seen but written with a different theoretical perspective in mind. That is, the first will be an individualist perspective (as per Dunn & Kaplan (2012)), the second a sociological perspective and the third will be an interactional perspective. To assist with writing from different theoretical perspectives students draw on Chapter 2 of Tilbury, C, Osmond, J, Wilson, S & Clark, J 2007, *Good practice in child protection*, Pearson Education Australia, Frenchs Forest, N.S.W.
2. Being a good reader. Students will be given a piece of professional writing which they will analyse for the potential gaps that have been smoothed over and information that is not included but could be. Written task up to 600 words in length.
3. During the first week of class students will be required to write a case file note up to 300 words in length, relating to a scenario that they observe. For the final assignment students will analyse the contents of the file note, reviewing it for ideas and discourses it reflects, things that they would now write differently (explaining why) and consider the possible implications in the future if that document were used in a Children's Court matter (based on the case study presented in weeks 6 & 7). This assignment is 1,500 words long.

Ending: In which the threads of this thesis are collected, drawn together and braided



Dear Isobella

Are you on your way to being a caseworker or a magistrate, a parent – or something entirely different, far, far away from the situations and things this research has been thinking about? Whatever you are doing, it is unlikely that you will ever be all that far from the reach of documents. Having started this research story with you at the front of my mind I want to end it in a similar way – to put to you the ideas I have been brought to through this research journey; what might be called a conclusion. I think of it as picking up the threads of main ideas, describing them, then braiding these together, so that we might end up with some sort of rope to hold onto – a guiding line as future exploration of documents is undertaken.

I can see that it is reasonable to ask why? Why do I think this is in anyway relevant to you? Why do I think you would ever want to know what this research is about, what was done and what was found? I don't start by thinking you would be interested in any of this. I don't think that you will ever read it. But, I can't think of child protection, court and documents without imagining you (or all the children like you). I think of you as the ever-present, but mostly invisible, centre around which the wheel of child protection and the Children's Court turn. In this ecology, when documents are made, when documents are presented to the court or served by one person on another, they pass over, around and through the centre as though it does not exist. Therefore, my answer to "why?" is that I think it would be wrong of me, as the researcher, to write as though you didn't exist, or exist in only a ghostly form.

There is a second reason why. If I think of you ever reading your child protection file – that story of all the work that Community Services and the court would say was done for your 'safety, welfare and wellbeing' – I wonder what you will see. I wonder what ideas will help you to make sense of that great mountain of material. I wonder if the ideas in this thesis might open slightly different options for making sense of all those words; might help you to see through the decoration and glaze to the raw materials that were used and the work that smoothed over the gaps and crafted the final shape and form. If Clive Baldwin's argument regarding the features of narrative in child protection work is accurate, then "an understanding of such features will open the door to evaluating those narratives in a more critical light" (2013: 101). The hope is that this letter and the research it summarises, might offer you some helpful ideas for reading.

In the first letter I wrote to you I told you about the document I put before the court, for a child I know. I told you how I thought so much about the writing and that there were things I wanted to happen, but that I wasn't called to speak for the document or defend it or say more based on it. I felt I had let people down. I don't know and can't know of any difference that that document made. I can't know what that document's future might be. Now that it exists and has been submitted to the court it can't ever be

undone. The same could be true for this research document I have written. It may be just another leaf (or bunch of leaves) in a forest of so many, many, many leaves – each one hardly different from any other one. But, what I tell myself when I wonder why I have done it this way is that in any forest ecology, every leaf is a part that makes the whole what it is. There is no way to know how important any one leaf might be. If documents are leaves grown by people, it is so important that what we grow is not toxic – that it at least does not add to the harm and maybe adds some sort of good.

Also at the beginning of the research, in the Introduction that I wrote to you, I said that the question I wanted this thesis to answer was “*what can I say about child protection court documents if I think about them ecologically?*” That was a very open question that allowed ideas to be followed in different directions. Like Alice following the White Rabbit and finding herself in Wonderland, sometimes losing the rabbit (and discovering new things) and sometimes finding him again (and discovering other things), the question got things started but was not always the thing I followed. There are many strands to this thesis. One is that child protection court documents can be thought of as stories (narratives) and analysed that way, another is that these documents have effects on people – people who are subject to them react and respond, often with strong emotions. This relates, at least in some ways, to the thread of inequality and power that is present all through child protection work. There is also a precious thread of gestures – reaching out – that professionals make in their work. In all of this, though, I have not been able to see workers reaching out within the documents. It has left me wondering if that is possible and what difference might be made if it were. The rest of this chapter talks about these things in more detail. It presents a summary of what narrative is and the ways in which it was present in the court documents I studied. It talks about power and the ways that this grows up through the child protection ecology (of which documents are a vital element). There is some content about the way this thesis adds to the study of documents and the study of child protection. Finally, there is a conclusion that tries to say what I think is important in all of this writing.

Just so you know, although there are lots of statements and claims about things in this letter, the support it rests on is not always referenced. That material – the theory that provided the ideas and understanding I have applied in this research in order to make the analysis and reach the conclusions I have - has been presented in the letters/chapters that came before this one. If you would like to see that material then I ask you, please, to read those letters.

Child protection court documents can be seen narratively

It seems reasonable to say that we (people) use structures of narrative (storying) to make sense of our lives and to communicate with others about our lives. Some also

say that power is deeply woven into narrative and the people with greater power in society have the ability to influence the narratives that people have about themselves (see, for example, White 2002; White & Epston 1990). While storytelling can be thought of as an entertainment, there are others whose view is that that “people give meaning to their lives and relationships through stories” (Combs & Freedman 2012: 1034) and others who believe stories play a significant part in shaping society and shaping human lives – they are the building blocks of what it is to be human (Barthes 1997, in Baldwin 2013: 4-5). Said another way, “narratives create identity at all levels of human social life” (Loseke 2007: 661). From this perspective, which is one that I agree with, at least up to a point, stories really matter.

What I found in this research is that within each court document there is some form of story being told – every document has events, characters, time passing and a setting, which are the main elements of narrative (see, for example, Baldwin 2013; Combs & Freedman 2012; Porter Abbott 2008; Rimmon-Kenan 2002). This is particularly the case with affidavits – the written evidence that is put to the court, which the magistrate uses to decide whether or not a child is in need of care and protection.

Each document covers a range of events – things that have happened – that are seen, by the author, to be relevant to the question of whether a child needs the State’s care and protection. These events can cover good or bad things that have happened, though they are mostly bad. The events in the court documents I looked at seem mostly to be negative or presented in a negative way. Where there were positive things (for example, contact between you and your dad) they were presented in limited ways.

In child protection court documents, each of the events that is being described happen to, because of, or with, one or more people. These people become characters in the story. As they are brought into the story they are also given qualities (characteristics) that say something about who they are or what they are like. A child might become a victim of abuse or ‘put at risk’ by one or more adults in its life. An adult might have been violent or not protective. They might have a drug addiction or they might have been hard to talk to. These elements start to characterise the person as well as characterising what kind of parent they have been. How the parent is characterised in their interactions with different workers becomes very important and can be clearly read in court documents. In the documents I read, your dad is characterised as not understanding the reasons for your sister’s placement in care, not cooperating with drug testing and not being honest about his relationship with your mum. Over time he also became characterised as no longer being willing to participate in the court process. This suggests a man not willing to think about his faults and not being willing to change for his children’s sake. I wonder if that is the father you know, or whether

there might be more to him than the documents show, as he suggested when we talked.

Professionals who have been involved in the case also become characters in the stories and documents present lots of material that characterises these workers. But, where parents, children, grandparents, etc. are characterised by the descriptions of others – mostly professionals – it is the professionals themselves who create their own character in the documents – they are the authors of their own stories. To give one example from the court documents I studied, the Children's Court Clinician characterised himself through particular strategies. He provided a very long list of qualifications and experiences that demonstrated his expertise and suitability for conducting the assessment. He also provided a clear list of actions he took to complete the assessment – reading all documents presented to him and spending time with each parent as well as observing their interactions with you. In this way he presented his own character as qualified, experienced, methodical and rational.

Another part of narrative is causality – this basically means that something happened because of something else. The opinion of Porter Abbott (2008) as well as Rimmon-Kenan (2002) is that humans generally look for causes, and narratives either provide direct statements of cause or suggest cause by the way that they link things. When it is not directly stated, cause can be implied by having one thing happen after another or by placing one thing near another in the story. In the court documents I read, causality is mostly specific and stated directly. An example would be the first affidavit written for the court, where it was stated that you were not placed in the care of your father because he might have been using drugs at that time. The reason that decision was made was presented explicitly, rather than being implied. In this same process there is an implication that drug use by a parent means a person can't parent and that Community Services were not willing to take the risk of your being placed with your dad. In this process other information was hidden from view. The weekends he had spent caring for you without incident or issue or reported concern were made invisible.

All stories have to be created by someone. In books and court documents they are written by an author (or group of authors), but there will also be a group of people who help to write it. Those other people might check to see that it is told well, that the things written seem to be true and that there are no big gaps in the story. In child protection court cases there are a lot of different possible authors. The Community Services caseworker is one of the main authors but not the only one. Parents can be authors of their own court documents (your dad submitted one). Caseworkers and parents will write affidavits presenting evidence to the court. There can be other professionals such as social workers or psychologists who write assessments. There are also documents written on behalf of Community Services as an agency (rather than

on behalf of individual workers). These documents, known as Care Plans, say how Community Services thinks a child should be looked after and what they will do to make sure that happens.

Being an author of these documents is not easy. It is a difficult skill to develop, as Cara (the caseworker I interviewed) described. There are some rules to be followed and lots of expectations about what good court documents are and how they should be written. This is to say, they are a specific genre. Learning to write within that genre is a difficult skill to develop for people who have been to university and have had lots of experience in writing overall. For people who have lived and worked and developed skills that are not writing-based, being an author of your own court documents is very, very difficult. For some it is basically impossible⁴⁸. As a result, the level of storytelling in the court is not even or level, and the version of events and characters that are available to the reader comes from a limited number of authors.

Whenever stories are created there is a reader they are being created for – someone the author knows or imagines is going to read what they have written. In child protection court documents the reader is a very particular person – the magistrate. The magistrate will be the one who makes the final decision in the court case. That is the primary reader as Shlomith Rimmon-Kenan (2002) would say. When writing the court documents, it is the magistrate who the story must convince. There are also other possible readers. These are secondary readers (Rimmon-Kenan 2002) but they are no less important. The main secondary readers are the solicitors in the matter. Solicitors might try to show any weaknesses in the stories, so the stories have to be written well in order to be accepted by them. Any inaccuracies or untruths might suggest a weakness in the author and narrator of the story. It might be suggested that they are unreliable and that nothing they say should be taken seriously. Another secondary reader, though, is the person who is being written about. In many cases this is the parent but sometimes it is the caseworker. From what I was told, these secondary readers might be thought about but not in a way that would change how things are written.

Narrative discourse is a term for how the story is written. There are some things that make child protection court documents different from other stories or narratives. One of the important differences is how they are made. They have to be based on things that can be shown, or are sworn, to have happened. To show things that have happened there is often a whole lot of extra information that is brought in from other places such as notes from hospitals or records from police. Even those items can be read as narratives. A police record describes the people involved, the place or places an event occurred, the time, a description of what happened, and any things that

⁴⁸ I note that the court is willing to accept a different standard and level of writing in affidavits from parents but this does not mean parents end up being equally able to communicate with the court.

happened next. This is a very short story that has events, characters, time sequence (one thing happened and then something else happened, etc.) as well as causality – we pulled the car over because of erratic driving; charges were laid because of what we found, etc. That story is included in the larger narrative of the court document to suggest or show something about a parent’s character and say something about the questions that the document is trying to answer.

Sometimes in books or movies there are small stories within a bigger story. The bigger story is the ‘framing narrative’. Each smaller story is its own little narrative but it also becomes part of the bigger story, adding to the character development aspects in some situations or providing information that helps the reader to understand what is going on in other situations. These smaller stories – micro-narratives - help to answer particular questions like “what harm was done and who did it?” “Can the parent change?” All of these little questions go to answer a much bigger question, “does this child need care and protection?” To answer that question a whole lot of documents are brought together and they are read by a number of different readers.

While the parts and qualities of stories can be seen in child protection court documents, their purpose is not to tell stories but to present an argument. This is where thinking about rhetoric becomes important for some researchers of documents. Rhetoric is the making of an argument to convince someone of one point or shift them away from a different point (Baldwin 2013) and may be a key element that distinguishes court documents from fictional narratives (although Baldwin says that some authors have argued that fiction also has a rhetorical part when the author seeks to get the reader to accept the version of the world they are presenting). In the process of making an argument, information, ideas and claims have to be woven together in a way that will be accepted by the person they are being presented to. In the court documents, arguments about particular characteristics of parents might be made only if there is supporting information in documents that are also presented to the court. The decision to recommend a child’s placement in long term care (or not placing with one particular parent) has to be supported by reasoning that is acceptable. One way to help secure an argument is to support the claim using the view of a higher, respected, authority. This may come in the form of research or referencing a trusted idea held in common (in the documents I read, there was the idea that past behaviour indicates future behaviour).

Power of literacy

The ability to write within this genre - presenting multiple pages on any topic in a way that flows, is easy to read, is not interpretive and presents clearly the information the court wants, is a skill that takes many years to learn. Developing effective skills within a genre takes time and often requires having good teachers or mentors to guide along

the way. The Children's Court has its own language (certain words mean particular things to the court); very particular ways that information has to be presented (even though magistrates will accept information from parents in formats that they would not accept from caseworkers); and certain types of information hold very particular importance or meaning. A term such as 'parenting capacity' means particular things and a phrase such as 'lack of parenting capacity' has meanings that people who work in this setting come to understand but those who are unused to it don't. The effect of this is that it is very hard for people who are not highly practiced writers, who do not create written arguments as part of their daily living and who are not familiar with the important terminology, to make a strong case that opposes the case put forward by Community Services. In this setting, literacy is power; a power that many parents who come before the court lack.

That court documents might be a site of massive power imbalance was something I worried about when working in child protection. The people who talked to me in this research confirmed that people who don't write are disempowered. When I spoke with Nathan (your dad) he indicated different things that he wanted the court to know during your case. He wanted the court to know there were gaps in the argument being put forward by Community Services, but he didn't have the tools to crack open the seams of their writing and prise apart the rhetorical devices in their documents. Writing is not his strong point, but it is the only communication the court listens to. I can only imagine what it might feel like to be in that position.

People can react strongly to documents

I think it can be assumed that court documents, as the rhetorical battleground in child protection court matters, have a major influence on the court outcome and therefore a major effect on the lives of children and parents. At the same time, I cannot claim to have found that in my research – the research method did not test that specifically. What I can say is that the people I interviewed described very clear examples of moments when people responded strongly to the court documents that had been presented to them; they got angry about them or seemed defeated by them. As an example, in one of my interviews with Simon he told me about a mother he was representing in the court and her reactions to documents (it is worth noting that he describes consequences for her reaction, too):

She reads this stuff and says “I’m really angry, you know, I thought I was doing a good job of raising my daughter, you know, when the... when that bloke used to come round all the time I used to say ‘fuck off’, you know... ...in front of the child... ...and, you know, and yes I did... I did have a punch-up with him but it was just punching him to get him out of the door, you know”.

And she thinks, “this is fine because I was trying to protect my child” in her own way. And so when [Community Services] send this material out she finds it really offensive, and it antagonises her, and then the case worker rings her up to try and get some information and she won’t talk to the case worker, she won’t tell the case worker where she lives, or show her the twelve month lease that she’s just got which will help her to get her child back. She doesn’t want to show them or tell them where she lives because she doesn’t want anything to do with the department because they’re at her throat.

In the interviews I did with people I didn’t get a clear or direct answer to the question of why these documents have those kinds of effects, but there is information that I think at least hints at some possible answers. What Nathan said when we first met was that the documents had mistakes in them that he was expected to challenge in court (by writing his own documents) rather than Community Services’ staff, who wrote and submitted the documents, changing them. Something he talked about the second time we met was that the documents have gaps in the information, or things missing, but there is no way for a reader to know that just from the documents. He was questioning how that could be fair.

Community Services staff are required to write documents for the court in a fair, balanced and open way. They are required to show the positive things that parents have done as well as things of concern. The people I spoke with took that very seriously and worked to find information that showed achievements or positive change. Often, though, that information is not easy to find and is not created in the same way that information about things going wrong – for example, police and hospital records – might be. Because of this, there is little balance in the court documents. It also requires the parent to trust Community Services enough to have the conversation about what other places – counselling services, volunteer agencies, psychologists, for example – information might be found.

Overall, the information from the interviews in this research suggested different things relating to document effects. There is the potential that parents feel the court documents misrepresent their lives – they hold a selective version of the truth, holding information that supports the claim of bad parenting and leaves out things the parent has done well. There might also be a weight of evidence and a strength of argument that the parent feels there is no way to challenge. The parent might feel that there is

more to the story, or the way things have been presented is not a fair representation but it is very difficult to argue their case. This is particularly important when they don't have the literacy or the legal representation that matches that of Community Services. There was a comment from Mandy that seeing things on paper is different and has more effect than if those same things were spoken. Nathan also talked about the effects that the documents could have into the future; for example, they will have effects on you when you read them and the rest of your Community Services casefile. He indicated that the court documents and the file won't reflect the person you know as your father – and you will have to make up your own mind about what is right. He was saying that they will cause doubt that didn't need to be created. The question that Nathan posed was how the magistrate can make a life-changing judgement based on the information in the documents without having talked to the person in order to make up her own mind.

Reaching around the documents to connect

The professionals I spoke with told me that they thought about the way child protection court documents can negatively affect people. They talked about the things that they do to try to reduce those effects. In my visual way of thinking about things I pictured the professionals I spoke with 'reaching out' to the parents they were giving documents to and trying to soften the blow that the documents might deliver. Some examples of this are that the caseworker (Cara) gave advice about self-care, the manager (Mandy) thought about the potential of documents to trigger violence and suggested strategies for safety, the solicitor (Simon) flagged the most important bits of the hundreds of pages, and the magistrate (Margaret) might allow extra time in the court process for important information to be presented.

For all the time that I have been thinking about these small acts they seem like demonstrations of care and perhaps respect. I think it includes an acknowledgement of the inequality in this situation. That doesn't surprise me at all; it goes along with the reason that people often give for wanting to do this or any other kind of social work – that they want to help, which I think is motivated by care in some way or other. At the same time, I didn't get any sense that my participants thought that there was the possibility for a similar level of care to be written into the court documents – that the court documents themselves could be a place of care or connection. Maybe that is an area that we could put more thought into as a society.

Given that so much material about people's lives is held in documents, maybe there could be value in working to develop more care-full approaches to documentation. There was a project undertaken some time ago in the United Kingdom by a social worker called Katie Prince (1996) who started to write case file records *with* the families who were using the children's service she managed. She and the parents

involved talked about this as a positive process that helped to share the power in writing. Maybe it is time for more projects like this; maybe my next piece of research should be to spend some time in Community Services doing child protection work, trying to find less destructive, more connected ways of writing. This is so important because the writing that we (in the ‘professional-managerial class’⁴⁹) do deeply influences people’s lives and society.

Care Plans and the regulation of parenting

Through this research I came to see affidavits as documents full of narratives. What the people I interviewed helped me to see is the way that Care Plans, along with the Final Order, are involved in the regulation of parenting. Care Plans contain the clearest statements about what Community Services sees ‘good enough’ (and not good enough) parenting to be. In the Care Plan from your case there were five separate things that needed to be demonstrated to Community Services before they would support the idea that Nathan’s parenting could be good enough. It was this process of listing what a parent would have to change in order to be seen as a good enough parent that the Community Services staff I talked with recognised as being part of the regulation of parenting.

The Final Order of the court case is a document that interlocks with the Care Plan and can extend the regulation of parenting. This is the case when ‘undertakings’ are part of the Care Plan. Undertakings are things the parent promises to do or not to do, that become a legally binding part of the Final Order. Undertakings might relate to parenting (for example, completing a parenting course) but they can also relate to other parts of the parent’s life (for example, the kinds of relationships they have or going to drug and alcohol rehabilitation). While the court cannot physically force a parent to follow the undertakings there may be consequences for a parent who doesn’t do what they have undertaken to do. The most likely consequence is that the child is not returned to their care. These documents, then, become powerfully binding – they tie parents into a position of having to comply or face the consequences.

Studying documents – this time and next time

This thesis has built on and extended a small but long tradition of document research. It studied the content of documents, as much document research does (Prior 2008a), as well as studying people’s interactions with documents. That part of the research is less common. What is also less common is to use an ethnographic research method

⁴⁹ This group of people are educated professionals, particularly in roles such as social work, psychology, teaching, bureaucracy and the media, who shape a society’s moral landscape and people’s behaviour through rules, regulations, education and interventions (Ehrenreich & Ehrenreich 1979, 2013).

that brought in physical documents, my experience as well as conversations with people who are regularly close to documents. By doing this I got a deeper, more thorough understanding of documents than any one approach by itself could have given. All of the people who participated have given us lots of important information by talking about their experiences of documents. What this method also gave was a deeper understanding of child protection and the ways that documents are an important element of that ecology.

What I have learned through the reading I have done as part of this project is that rhetoric is an important part of the court process and its documents and it is something it would be good to think more about. Rhetoric is the art of making an argument to convince someone of something and/or shift them away from a different view (Baldwin 2013; Bazerman 2013a, 2013b). Rhetoric involves weaving together information, ideas and claims in a way that will be accepted by the person they are being presented to. How this is done in social work and child protection has been studied by some social scientists (see, for example, Baldwin 2011; McFadden 2014; Pithouse & Atkinson 1988; Urek 2005; White 1997) but they did not ask the people who were reading and writing the documents to reflect on how they applied rhetoric in their writing and the effect it had on them when reading. That is a study I would be interested in doing in the future.

Studying child protection

Child protection is a field that has been studied a lot; the effects on children, what to do about it and what is wrong with our child protection approaches are all areas that are commonly written about. There is some research that considers parents and their experience of child protection intervention (see, for example, Booth 2005; Buckley, Carr & Whelan 2011; Dale 2004; Dumbrill 2006; Ghaffar, Manby & Race 2012; Hall & Slembrouck 2011b; Harries 2008; Hinton 2013; Maiter, Palmer & Manji 2003; McConnell & Sigurjonsdottir 2010; Palmer, Maiter & Manji 2006; Vesneski 2012). There is a small amount that considers fathers particularly (Baum & Negbi 2013; Coady, Hoy & Cameron 2013; Dominelli et al. 2010; Icard et al. 2015; Strega et al. 2009). There is some research that considers documents in child protection and Children's Court (see, for example, Ben-David 2011b, 2011c; Carrington 1993; D'Cruz 2004; Davidson-Arad & Kaznelson 2010; Davidson-Arad, Peled & Leichtentritt 2008; Leichtentritt, Davidson-Arad & Peled 2011; Roets et al. 2015; White, Hall & Peckover 2009). I do not know of any research since Prince (1996) that has focused specifically on people's *experiences* of documents in child protection/child welfare settings. No research that I am aware of considers that documents have effects on all of the people that interact with them and tries to get close to those experiences.

All of this is to say that this research provides something different and important to the field of child protection research. It treats documents not only as important elements or parts of the child protection ecology but also shows that they are not neutral – they make a difference to people and they are embedded in the relationships of power that child protection is part of.

Writing approach

At the beginning of this thesis I talked about my ‘communication tactic’ – the way I was approaching the writing and creation of this document. At this end of the writing I think that the intention to write to all of the participants instead of writing about them has made the process slower and more gentle. It has made me pay attention to the personal consequences of what I am writing above scoring academic points. At the same time, there is nothing I have wanted to say that this approach has prevented my saying.

I have tried to avoid closing the door on meaning in different parts of the text – tried to hold open the options for understanding. I hope that providing large pieces of text from interviews allows you to come to your own meaning about the content. Staying at the level of description more than digging for interpretation is another tactic to try to let readers (like you) come to your own thoughts and conclusions. Whether this has been achieved can only be answered by the reader. The final illustration closing this text (Figure 16), might reflect some of my grappling to achieve this.

If I could share with you a short story that is not directly about my research and yet says everything about it, it would be a good way to close this research. It was delivered in a recent edition of the Australian journal *The Griffith Review*. It is a story told by John Clarke about Ray Parkin – an Australian man who fought as part of the navy in World War II, was imprisoned in Changi and other south Asian camps, wrote of his experiences and created beautiful illustrations of the human and natural world he encountered (Clarke 2015). Ray Parkin risked his life by writing and continuing to draw throughout his time in the camps. Part of John Clarke’s recount of Ray Parkin’s life is a small episode at the end of the war, when the camp Parkin was in was liberated. Clarke writes:

When the war finished and the camp was liberated, the authorities came around and asked the men to fill out forms describing the appalling treatment they’d endured and naming the commandants and guards who had done these terrible things. Ray called it ‘Name Your War Criminal’. He realised that anyone

listed in the forms was going to be charged with war crimes. 'We won't be here,' thought Ray. 'These people will be charged and we'll be back in Australia. They'll have no defence. They can't cross-examine us'.

Ray thought the commandant of this last camp had shown them kindness. Instead of marching them down the beach before they went into the coalmine each morning, he let them walk at leisure and Ray was able to pick up flowers and leaves and butterflies. One day the commandant summoned Ray to his office, sent the guard out of the room and gave him a small tin of children's watercolours. This meant he knew about Ray's drawings - a summary offence. Maybe it was a trap. But Ray trusted him and took the paints. The commandant called the guard back in and dismissed Prisoner Parkin. Later, this same commandant had the prisoners dig a big pit in the yard, but he didn't shoot them. Each day he'd get them to re-dig it, or to dig an extension on, or something. But he didn't shoot them.

So when they were liberated, Ray didn't fill out his form. He drew a picture of the camp and gave it to this man, having written on it: 'To Commandant X, with thanks for his kindness, Prisoner Parkin.' The commandant was later charged with war crimes. Unlike a lot of the others, he wasn't executed; he had one piece of evidence to present in his defence. (Clarke 2015: 126)

That short form, that tiny piece of paper, could have been the Commandant's death sentence. Instead, that brief document gave enough space for a life-saving gesture. That strikes me as something profound. In this story I see some important things. Firstly, I see the power and consequence of a simple little piece of paper – the power to fix, to hold, to share. Second is the gesture – the document was an opportunity to acknowledge a kindness and repay it; a very humane moment. Third is that the moment of documenting was an ethical moment; a choice to be made about how to act, in spite of allegiances and in recognition of the significance of putting words and one's name on paper.

So?

Now that you have patiently read so much and taken in so much information I can imagine you might want to ask, 'so what?' or, said another way, 'what difference does all of this make?' I have three answers to that question.

First, I think it is important to know that any story, including stories that have been told to (and accepted by) the court, is only one way of telling things. There are always many different ways of telling stories. When you come to read your child protection file or the court documents about you, you might ask how else these stories could have been told and what is not in these stories – what hasn't been said; what wasn't even asked in the first place.

Second, I think people who are going to work in the helping professions – social work, child protection workers, etc. – should have a thorough education in documents. We should have to study documents, think about the power in their writing and think about the effects that their writing might have. To help achieve this I have drafted a course proposal⁵⁰ and intend to submit it to the university when I have completed this study.

Third, I think that the court could move a step closer to fairness and equity if it allowed parents to respond verbally to documents submitted by professionals. That is, the parent could, under oath, make a spoken submission of their evidence to the magistrate or to a court recorder. In this way, parents in your dad's position would not be silenced in the court process and some balance could be restored to the powerful and influential setting that is the Children's Court. While this would not be enough in itself (as the voices could still be ignored in the decision-making process, as Ben-David (2011c) showed) it is a necessary condition for there to be any chance of change.

Reaching the end of this braid

At some point all of this writing must come to an end. There is no way I could tell you how much I have read and how many voices I have listened to in the time I have been doing this research and writing this thesis. I feel awash with words, with stories, with the chattering, clattering song of the world; drowning in bliss and anguish. From all of this, though, I have no solution; no magical remedy that will overturn the painful state of things and restore harmony. But, if one drop of this tincture, one bead of sweat, one tear, might find its way into the ink wells and water supplies of the factories that churn out facts and pour out stories, then the tint I hope it would add to the kaleidoscope of knowledge and experience is that we know in our writing we are story tellers and that important responsibilities come along with its great possibilities.

Although I love words and the pen is my tool of choice, this thesis has been almost impossible to write. I have felt strangled by the knowledge that in the process of writing I am gathering further power unto myself and increasing my position within the professional-managerial class. Poetry has been my resuscitator and best friend through this writing process. It has kept my feet on the ground and my heart where it belongs – in trouble. I don't know what it is about poetry that is so compelling but Ben Okri (1997: 6) wrote about poets:

They speak to us. Creation speaks to them. They listen. They remake the world in words, from dreams. ... Storms speak to them. Thunder breathes on them.

⁵⁰ The proposal was written as a letter to Cara – Chapter 3, part 4.

Human suffering drives them. Flowers move their pens. Words themselves speak to them and bring forth more words ...

Poets are helplessly on the side of the greatest good, the highest causes, the most just future.

Poetry also powerfully says things we very much need to listen to, but find so very difficult to hear. Another thing written by Ben Okri is: "Heaven knows we need poetry now more than ever. We need the awkward truth of poetry. We need its indirect insistence on the magic of listening" (Okri 2011: 3).

Poetry has an ability to tell us awkward truths; to tell of horror in a way we can't turn away from, perhaps with disarming beauty. In a short essay on "atomic bomb literature", introducing four poems about the bombing of Hiroshima, Yoshikawa writes

Their importance lies, primarily, in that once they have been read they cannot be forgotten. They contain a simple and direct prayer. At first reading they seem to be just poems, but they have taken on the role of testimony to the post-Hiroshima world. And, as if they were novels, they describe in detail the effects of the atomic bomb. If only for a moment, they let the reader imagine its terrible effects with great clarity (Yoshikawa & Forth 1985b)

Her own poem (an extract of which is below), included in that group of four, urges the poet to write and argues that we will not understand what we need to, if this writing does not occur.

IF YOU

(1)

If you remain silent
Who will speak to us
of that day

If you do not speak
Who will tell everyone
of that morning

If you had escaped
Who would make everyone know
that hour

If you remain silent

*No one will know your brother asking for water the dying
groan
Oh! it's burning the houses the trees the lovers Ah!
Mother! My back is burning the world is burning*

*Those who died
Did not speak their resenting words*

(2)

*If the poets remain silent
Who will speak to you
of that moment with the bomb's evil threat*
(Yoshikawa & Forth 1985a)

Poetry not only tells about the world, but also changes it. According to some people, through poetry and by poets, the world can be remade. For example:

Nor even is the world made over by retaking the Bastille
I know that only those will remake the world who are rooted in poetry
(Apollinaire Poem read at the marriage of Andre Salmon, p89)

I think we need more poets in child protection.

I have said all I can think to say and have offered the ideas I think belong in this thesis. I hope you have found it interesting and maybe you will find something in it useful – perhaps a guiding line for when you come to read your own file. What is important first, though, is that those ideas of the narrative and rhetoric in documents are applied to this thesis – that you read this as a story, no different from any other, and question how valid, accurate or worthwhile it is.

Yours exhaustedly

Chris

again today I made the mistake,
of listening to poetry.

I have a thesis to produce,
a cross between a house of cards
and a redbrick suburban dream.
I went looking for a stock of words
with which to build;

Out of habit I skipped
the factories,

And went to the
boutique

where the scent,
the texture,
the closeness
and colour and
tone of every piece
is weighed and considered.

But today,

I need them by the pallet and the truckload;
to churn them out till the landscape is blighted.

If
we built
our houses
like poems,
our cities
would not
be dying.

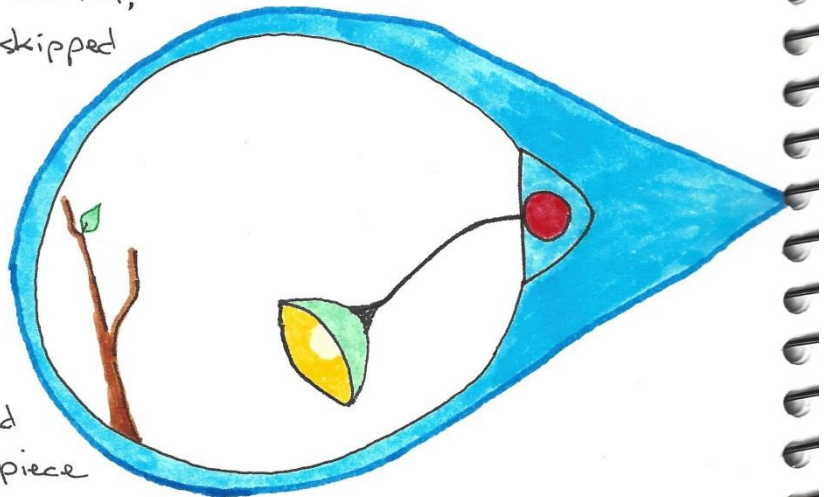


Figure 16: Writing the thesis. Pen and texta on paper.

References

Aaltio, I & Heilmann, P 2009, 'Case study as a methodological approach', *Encyclopedia of Case Study Research*, viewed 29 August 2013, ('SAGE Publications').

Abma, TA & Widdershoven, GAM 2011, 'Evaluation as a relationally responsible practice', in NK Denzin & YS Lincoln (eds), *The SAGE handbook of qualitative research*, 4th edn, SAGE Publications, California, USA.

Aboriginal & Torres Strait Islander Social Justice Commissioner 2008, *Social Justice Report: 2007*, Human Rights and Equal Opportunity Commission, Sydney, Australia, viewed 21 June 2015, (https://www.humanrights.gov.au/sites/default/files/content/social_justice/sj_report/sjreport07/pdf/sjr_2007.pdf).

Agar, MH 1983, 'Ethnographic evidence', *Journal of Contemporary Ethnography*, vol. 12, no. 1, pp. 32-48, viewed 14 August 2015, DOI doi: <http://dx.doi.org/10.1177/0098303983012001002>, via SAGE Research Methods (SAGE Publications, Inc.).

AIHW 2015, *Child protection Australia: 2013–14*, Australian Institute of Health and Welfare, Canberra, Australia, viewed 16 August 2015, (<http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129550859>).

Ainsworth, F & Hansen, P 2012, 'Doing harm while doing good: the child protection paradox', *Child & Youth Services*, vol. 33, no. 2, pp. 146-57, DOI 10.1080/0145935x.2012.704787, (EBSCOhost).

Altheide, D, Colyle, M, DeVriese, K & Schneider, C 2008, 'Emergent qualitative document analysis', in SN Hesse-Biber & P Leavy (eds), *Handbook of Emergent Methods*, The Guilford Press, New York.

Amerson, R 2011, 'Making a case for the case study method', *Journal of Nursing Education*, vol. 50, no. 8, pp. 427-8, DOI 10.3928/01484834-20110719-01.

Anderson, P 2007, 'Douglas Gordon orration', paper presented to Public Health Association of Australia: 38th annual conference, Alice Springs, Australia, <<http://www.lowitja.org.au/sites/default/files/docs/CRAH-PHAA-Speech-final-September-2007.pdf>>.

Anderson, P & Wild, R 2007, *Ampe Akelyernemane Meke Mekarle: 'Little children are sacred'*, Northern Territory Government., Darwin, viewed 21 June 2014, via http://www.inquirysaac.nt.gov.au/pdf/bipacsa_final_report.pdf.

Armstrong, MI, Swanke, JR, Strozier, A, Yampolskaya, S & Sharrock, PJ 2013, 'Recent changes in the child welfare system: one state's experience', *Children and Youth Services Review*, vol. 35, no. 10, pp. 1712-8, viewed 12 July 2014, DOI <http://dx.doi.org/10.1016/j.childyouth.2013.07.005>.

Ashton-Jones, E & Thomas, DK 1995, 'Composition, collaboration, and women's ways of knowing: a conversation with Mary Belenky', in GA Olson & E Hirsh (eds), *Women writing culture*, State University of New York Press, Albany, USA, pp. 81-104.

Baldwin, C 2011, 'Narrative rhetoric in expert reports: a case study', *Narrative Works: Issues, Investigations, and Interventions*, vol. 1, no. 2, pp. 3-20, viewed 20 November 2016.

—— 2013, *Narrative social work: theory and application*, The Policy Press, Bristol, UK.

Baldwin, C & Estey-Burt, B 2012, 'Narrative and the reconfiguration of social work ethics', *Narrative Works: Issues, Investigations, and Interventions*, vol. 2, no. 2, pp. 1-19, viewed 29 November 2016.

Bamblett, M & Lewis, P 2007, 'Detoxifying the Child and Family Welfare System for Australian Indigenous Peoples: Self-determination, Rights and Culture as the Critical Tools', *First Peoples Child & Family Review*, vol. 3, no. 3, pp. 43-56, viewed 21 May 2015, (EBSCOhost).

Barlow, J & Calam, R 2011, 'A public health approach to safeguarding in the 21st century', *Child Abuse Review*, vol. 20, no. 4, pp. 238-55, viewed 5 March 2015, (Scopus).

Bateson, G 1972, *Steps to an ecology of mind: Collected essays in anthropology, psychiatry, evolution, and epistemology*, University of Chicago Press.

Baum, N & Negbi, I 2013, 'Children removed from home by court order: Fathers' disenfranchised grief and reclamation of paternal functions', *Children and Youth Services Review*, vol. 35, no. 10, pp. 1679-86, viewed 21 May 2015, DOI <http://dx.doi.org/10.1016/j.childyouth.2013.07.003>.

Bazerman, C 2013a, *Rhetoric of literate action*, Parlor Press, Anderson, USA, viewed 27 November 2016, (ProQuest ebook Central).

—— 2013b, *Theory of literate action*, Parlor Press, Anderson, USA, viewed 27 November 2016, (ProQuest ebook Central).

Bell, S 2011, 'Through a Foucauldian lens: a genealogy of child abuse', *Journal of Family Violence*, vol. 26, no. 2, pp. 101-8, viewed 12 May 2014, DOI 10.1007/s10896-010-9347-z.

Ben-David, V 2011a, 'Social constructions of reality and narratives of parental incapability in the process of adjudicating the adoption of minors in Israel', *Child & Family Social Work*, vol. 16, no. 4, pp. 402-11, viewed 24 July 2014, DOI 10.1111/j.1365-2206.2011.00755.x, (EBSCOhost).

— 2011b, 'Social information in court decisions of compulsory child adoption in Israel', *Child and Youth Care Forum*, vol. 40, no. 3, pp. 233-49, viewed 26 July 2014, DOI <http://dx.doi.org/10.1007/s10566-010-9133-3>, (ProQuest Central).

— 2011c, 'Voices in the adjudication of compulsory adoption in Israel: the hegemonic voice of the professional expert and the unheard voice of the biological parents', *Adoption Quarterly*, vol. 14, no. 2, pp. 132-56, viewed 24 July 2013, DOI 10.1080/10926755.2011.560791, (EBSCOhost).

Berkes, F 2012, *Sacred ecology*, 3 edn, Routledge, New York, USA.

Berman, M 1990, 'The cybernetic dream of the 21st century', in J Clark (ed.), *Renewing the earth : the promise of social ecology : a celebration of the work of Murray Bookchin*, Green Print, London, UK.

Bessarab, D & Crawford, F 2013, 'Trauma, grief and loss: the vulnerability of Aboriginal families in the child protection system', in B Bennett, S Green, S Gilbert & D Bessarab (eds), *Our voices: Aboriginal and Torres Strait Islander social work*, Palgrave MacMillan, Victoria, Australia, pp. 93-113.

Bessell, S 2011, 'Participation in decision-making in out-of-home care in Australia: what do young people say?', *Children and Youth Services Review*, vol. 33, no. 4, pp. 496-501, viewed 18 July 2014, DOI <http://dx.doi.org/10.1016/j.childyouth.2010.05.006>, (Science Direct).

Bevir, M 2011, 'Governance and governmentality after neoliberalism', *Policy and Politics*, vol. 39, no. 4, pp. 457-71, viewed 12 October 2015, DOI 10.1332/030557310x550141.

Birch, C 2008, *Science and soul*, University New South Wales Press, Sydney, Australia.

Bird, J 2000, *The heart's narrative: therapy and navigating life's contradictions*, Edge Press, Auckland, New Zealand.

Bonner, R 1927, *Lawyers and litigants in ancient Athens: the genesis of the legal profession*, The University of Chicago Press, Chicago, USA, viewed 21 May 2015, DOI <http://heinonline.org.ezproxy.uws.edu.au/HOL/Page?handle=hein.beal/lawlita0001&id=64>, via HeinOnline.

Booth, T 2005, 'Parents with learning difficulties in the child protection system: experiences and perspectives', *Journal of Intellectual Disabilities*, vol. 9, no. 2, pp. 109-29, viewed 11 February 2013, DOI 10.1177/1744629505053922.

Bowes, J, Grace, R & Hayes, A 2009, 'Contexts and consequences: impacts on children, families and communities', in J Bowes & R Grace (eds), *Children, families and communities: context and consequences*, 3 edn, Oxford University Press, Melbourne, Australia.

Braithwaite, V, Harris, N & Ivec, M 2009, 'Seeking to clarify child protection's regulatory principles', *Communities, Children and Families Australia*, vol. 4, no. 1, pp. 7-23, viewed 10 Oct 2013, (Informit).

Broadhurst, K, Wastell, D, White, S, Hall, C, Peckover, S, Thompson, K, Pithouse, A & Davey, D 2009, 'Performing 'Initial Assessment': identifying the latent conditions for error at the front-door of local authority children's services', *British Journal of Social Work*, vol. 40, no. 2, pp. 352-70, viewed 2 September 2014, DOI 10.1093/bjsw/bcn162.

Bronfenbrenner, U 1979, *The ecology of human development: experiments by nature and design*, Cambridge, MA : Harvard University Press, Cambridge, MA.

— 1999, 'Environments in developmental perspective: theoretical and operational models', *Measuring environment across the life span: emerging methods and concepts.*, pp. 3-28, DOI 10.1037/10317-001, (EBSCOhost).

Brooks-Gunn, J 1995, 'Children in families in communities: Risk and intervention in the Bronfenbrenner tradition', *Examining lives in context: Perspectives on the ecology of human development.*, pp. 467-519, DOI 10.1037/10176-013, (EBSCOhost).

Brown, BJ & Baker, S 2012, *Responsible citizens: individuals, health and policy under neoliberalism*, Anthem Press, London, UK.

Brown, DJ 2006, 'Working the system: re-thinking the institutionally organized role of mothers and the reduction of "risk" in child protection work', *Social Problems*, vol. 53, no. 3, pp. 352-70, DOI 10.1525/sp.2006.53.3.352, (JStore).

Brown, L, Callahan, M, Strega, S, Walmsley, C & Dominelli, L 2009, 'Manufacturing ghost fathers: the paradox of father presence and absence in child welfare', *Child & Family Social Work*, vol. 14, no. 1, pp. 25-34, viewed 9 May 2014, DOI 10.1111/j.1365-2206.2008.00578.x.

Brummans, BHJM 2007, 'Death by document: tracing the agency of a text', *Qualitative Inquiry*, vol. 13, no. 5, pp. 711-27, viewed 1 August 2013, DOI 10.1177/1077800407301185, (SAGE Premier).

Bryman, A 2012, *Social research methods*, 4th edn, Oxford : Oxford University Press, Oxford, UK.

Buckley, H, Carr, N & Whelan, S 2011, 'Like walking on eggshells': service user views and expectations of the child protection system', *Child & Family Social Work*, vol. 16, no. 1, pp. 101-10, viewed 18 August 2013, DOI 10.1111/j.1365-2206.2010.00718.x.

Butcher, SH 1902, *The poetics of Aristotle: edited with critical notes and a translation by S H Butcher*, MacMillan and Co. Limited, London, UK, viewed 21 September 2015, via <https://www.stmarys-ca.edu/sites/default/files/attachments/files/Poetics.pdf>.

Bybee, KJ 2012, 'Judging in place: architecture, design, and the operation of courts', *Law & Social Inquiry*, vol. 37, no. 4, pp. 1014-28, viewed 15 October 2015, DOI 10.1111/j.1747-4469.2012.01327.x, (EBSCOhost).

Cameron, G, Coady, N & Hoy, S 2014, 'Perspectives on being a father from men involved with child welfare services', *Child & Family Social Work*, vol. 19, no. 1, pp. 14-23, viewed 31 October 2014, DOI 10.1111/j.1365-2206.2012.00876.x, (EBSCOhost).

Candlin, C & Crichton, J (eds) 2010, *Discourses of deficit*, Palgrave Macmillan, Basingstoke, UK.

Carrington, K 1993, *Offending girls: sex, youth and justice*, Studies in society, Allen & Unwin, St. Leonards, Australia.

Cashmore, J 2009a, 'Child protection and out-of-home care: the responsibility of families, community and state', in J Bowes & R Grace (eds), *Children, families and communities: contexts and consequences*, 3rd edn, Oxford University Press, Victoria, Australia, pp. 165-85.

— 2009b, 'Relational aspects in the regulation of systems for protecting children', *Communities, Children and Families Australia*, vol. 4, no. 1, pp. 31-5, viewed 12 September 2014, (Informit).

Cashmore, J & Paxman, M 2007, *Longitudinal study of wards leaving care: four to five years on*, Social Policy Research Centre, University of New South Wales, Sydney, Australia, viewed 12 October 2014, via http://www.community.nsw.gov.au/_data/assets/pdf_file/0005/321728/research_wards_leavingcare2.pdf.

Cathcart, M 2015, *Sydney Writers' Festival: Ben Okri*, ABC Radio National: Books Plus, 31 May 2015, <<http://www.abc.net.au/radionational/programs/booksplus/okri/6503878>>.

Centre for Parenting and Research 2006, 'The importance of attachment in the lives of foster children: key messages from research', *Department of Community Services Research Report*,

viewed 9 June 2015, via http://www.community.nsw.gov.au/docswr/assets/main/documents/research_attachment.pdf.

Child Family Community Australia 2014a, 'Defining the public health model for the child welfare services context', *CFCA Resource Sheet*, viewed 24 March 2015, via <https://aifs.gov.au/cfca/publications/defining-public-health-model-child-welfare-servi>.

— 2014b, 'The economic costs of child abuse and neglect', *CFCA Resource Sheet*, viewed 26 October 2015, via <https://aifs.gov.au/cfca/publications/economic-costs-child-abuse-and-neglect>.

Christian, D 2011, *Maps of time an introduction to big history*, Berkeley : University of California Press, Berkeley, viewed 26 October 2015, via ProQuest ebrary.

Clark, J (ed.) 1990a, *Renewing the earth : the promise of social ecology : a celebration of the work of Murray Bookchin*, Green Print, London.

— 1990b, 'What is social ecology', in J Clark (ed.), *Renewing the earth : the promise of social ecology : a celebration of the work of Murray Bookchin*, Green Print, London, pp. 5-11.

Clark, ME 1989, *Ariadne's thread: The search for new modes of thinking*, Palgrave Macmillan.

Clarke, J 2015, 'A remarkable man: Ray Parkin, 1910-2005', *Griffith Review*, vol. 48, pp. 122-8.

Clendinnen, I 1999, *True Stories*, Boyer Lectures: 1999, ABC Books, Sydney.

Clifford, J 1986, 'Introduction: partial truths', in J Clifford & GE Marcus (eds), *Writing culture: the poetics and politics of ethnography*, University of California Press, California, USA, pp. 1-26.

Clifford, J & Marcus, GE (eds) 1986, *Writing culture: the poetics and politics of ethnography*, University of California Press, California, USA.

Coady, N, Hoy, SL & Cameron, G 2013, 'Fathers' experiences with child welfare services', *Child & Family Social Work*, vol. 18, no. 3, pp. 275-84, viewed 1 November 2014, DOI 10.1111/j.1365-2206.2012.00842.x, (EBSCOhost).

Cogger, H 2014, *Reptiles and amphibians of Australia*, CSIRO Publishing, Melbourne, viewed 1 May 2015, via <http://UWSAU.eblib.com.au/patron/FullRecord.aspx?p=1636016>.

Collier, SJ & Lakoff, A 2005, 'On regimes of living', in A Ong & SJ Collier (eds), *Global assemblages: technology, politics, and ethics as anthropological problems*, Blackwell Publishing, Malden, MA.

Collier, SJ & Ong, A 2005, 'Global assemblages, anthropological problems', in A Ong & SJ Collier (eds), *Global assemblages: technology, politics, and ethics as anthropological problems*, Blackwell Publishing Ltd, Massachusetts, USA, pp. 3-21.

Combs, G & Freedman, J 2012, 'Narrative, poststructuralism, and social justice: current practices in narrative therapy', *The Counseling Psychologist*, vol. 40, no. 7, pp. 1033-60, viewed 15 June 2014, DOI 10.1177/0011000012460662, (SAGE Premier).

Cooren, F 2004, 'Textual agency: how texts do things in organizational settings', *Organization*, vol. 11, no. 3, pp. 373-93, viewed 01 May 2044, via ProQuest Central.

— 2009, 'The haunting question of textual agency: Derrida and Garfinkel on iterability and eventfulness', *Research on Language & Social Interaction*, vol. 42, no. 1, pp. 42-67, viewed 12 February 2013, DOI 10.1080/08351810802671735, (Taylor & Francis Online).

Cooren, F & Latour, B 2010, *Action and agency in dialogue: passion, incarnation and ventriloquism*, John Benjamins Publishing Company, viewed 17 July 2014, (ProQuest ebrary).

Cordella, A & Shaikh, M 2006, *From epistemology to ontology: challenging the constructed truth of ANT*, Department of Information Systems, London School of Economics and Political Science, viewed 29 June 2015, via <http://www.lse.ac.uk/management/documents/isig-wp/ISIG-WP-143.PDF>.

Council of Australian Governments 2009, *Protecting children is everyone's business: national framework for protecting Australia's children 2009–2020*, Commonwealth of Australia, Canberra, Australia, viewed 12 May 2013, via <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business>.

Crawford, J 2004, 'Working with affidavit evidence in care proceedings in the children's court', *Childrens Law News*, vol. 9, viewed 23 February 2013, via <http://www.childrenscourt.justice.nsw.gov.au/Documents/2004%20cInv%20workingwithaffidavitevidenceincareproceedingspaper.doc>.

Crawford, J 2011, 'Bringing it together: assessing parenting capacity in the child protection context', *Social Work Now: The Practice Journal of Child, Work & Family*, vol. 47, pp. 18-26, viewed 12 March 2014, (EBSCOhost).

Crawshaw, P 2012, 'Governing at a distance: social marketing and the (bio) politics of responsibility', *Social Science & Medicine*, vol. 75, no. 1, pp. 200-7, viewed 21 May 2015, DOI 10.1016/j.socscimed.2012.02.040, (Science Direct).

Crowhurst, I 2013, 'The fallacy of the instrumental gate? contextualising the process of gaining access through gatekeepers', *International Journal of Social Research Methodology*, vol. 16, no. 6, pp. 463-75, viewed 18 September 2014, DOI 10.1080/13645579.2013.823282, (Taylor & Francis Online).

Cunliffe, AL 2008, 'Orientations to social constructionism: relationally responsive social constructionism and its implications for knowledge and learning', *Management Learning*, vol. 39, no. 2, pp. 123-39, viewed 2 April 2014, DOI 10.1177/1350507607087578, (SAGE Premier).

— 2011, 'Crafting qualitative research: Morgan and Smircich 30 years on', *Organizational Research Methods*, vol. 14, no. 4, pp. 647-73, viewed 5 October 2014, DOI 10.1177/1094428110373658, (SAGE Premier).

Cunneen, C 1997, 'The new stolen generations', paper presented to Juvenile Crime and Juvenile Justice: Toward 2000 and Beyond, Adelaide, Australia, <http://www.aic.gov.au/media_library/conferences/juvenile/cunneen.pdf>.

D'Cruz, H 2004, *Constructing meanings and identities in child protection practice*, Tertiary Press, Croydon, Australia.

D'Cruz, H & Gillingham, P 2014, 'Improving child protection services: Australian parents' and grandparents' perspectives on what needs to change', *Practice*, vol. 26, no. 4, pp. 239-57, viewed 24 October 2015, DOI 10.1080/09503153.2014.934797, (Taylor & Francis Online).

Dale, P 2004, 'Like a fish in a bowl': parents' perceptions of child protection services', *Child Abuse Review*, vol. 13, no. 2, pp. 137-57, viewed 5 March 2012, DOI 10.1002/car.837, (Wiley Online Library).

Davidson-Arad, B & Kaznelson, H 2010, 'Comparison of parents' and social workers' assessments of the quality of life of children at risk', *Children and Youth Services Review*, vol. 32, no. 5, pp. 711-9, viewed 15 July 2013, DOI 10.1016/j.childyouth.2010.01.008, (Scopus).

Davidson-Arad, B, Peled, E & Leichtentritt, R 2008, 'Representations of fathers and mothers in court petitions for dependent minor status for children at risk', *Children and Youth Services Review*, vol. 30, no. 8, pp. 893-902, viewed 15 July 2014, DOI <http://dx.doi.org/10.1016/j.childyouth.2007.12.016>, (Science Direct).

Davies, JT & Peters, E 2014, 'Relationships between gatekeepers and researchers: the experience of conducting evaluations into parenting programmes in community and penal

settings', in K Lumsden & A Winter (eds), *Reflexivity in criminological research: Experiences with the powerful and the powerless*, Palgrave Macmillan, Hampshire, UK.

De Manneville v. De Manneville, 1804, Court of Chancery.

Dean, M 2010, *Governmentality: power and rule in modern society*, 2nd edn, SAGE Publications, London, UK.

Denzin, NK & Lincoln, YS 2011, 'Introduction: the discipline and practice of qualitative research', in NK Denzin & YS Lincoln (eds), *The SAGE handbook of qualitative research*, 4th edn, SAGE Publications Inc., Los Angeles, USA.

Dickens, J 2008, 'Welfare, law and managerialism: inter-discursivity and inter-professional practice in child care social work', *Journal of Social Work*, vol. 8, no. 1, pp. 45-64, viewed 18 January 2015, DOI 10.1177/1468017307084735, (SAGE Premier).

Dominelli, L, Strega, S, Walmsley, C, Callahan, M & Brown, L 2010, 'Here's my story': fathers of 'looked after' children recount their experiences in the Canadian child welfare system', *British Journal of Social Work*, vol. 41, no. 2, pp. 351-67, viewed 27 September 2013, DOI 10.1093/bjsw/bcq099, (EBSCOhost).

Donnelly, L 2015, 'Social worker's report may as well have been in foreign language, Judge says', *The Telegraph*, 2nd August 2015.

Donzelot, J 1979, *The policing of families*, Pantheon Books, New York, USA.

Douglas, H & Walsh, T 2009, 'Mothers and the child protection system', *International Journal of Law, Policy and the Family*, vol. 23, no. 2, pp. 211-29, viewed 17 May 2014, DOI 10.1093/lawfam/ebp004, (EBSCOhost).

DPC 2009, *Keep them safe: a shared approach to child wellbeing*, New South Wales Department of Premier and Cabinet, Sydney, N.S.W., viewed 28 February 2013, via http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0004/57145/Keep_Them_Safe.pdf.

Dumbrill, GC 2006, 'Parental experience of child protection intervention: a qualitative study', *Child Abuse & Neglect*, vol. 30, no. 1, pp. 27-37, viewed 21 March 2013, DOI <http://dx.doi.org/10.1016/j.chiabu.2005.08.012>, (SAGE Premier).

Dunn, K & Kaplan, PJ 2009, 'The Ironies of Helping: Social Interventions and Executable Subjects', *Law & Society Review*, vol. 43, no. 2, pp. 337-68, viewed 31 January 2015, (ProQuest).

Ehrenreich, B & Ehrenreich, J 1979, 'The professional-managerial class', in P Walker (ed.), *Between labour and capital*, South End Press, Boston, USA, pp. 5-45.

— 2013, *Death of a yuppie dream: The rise and fall of the professional-managerial class*, Rosa Luxemburg Stiftung, via http://www.rosalux-nyc.org/wp-content/files_mf/ehrenreich_death_of_a_yuppie_dream90.pdf.

Ellingson, LL 2011, 'Analysis and representation across the continuum', in NK Denzin & YS Lincoln (eds), *The Sage Handbook of Qualitative Research*, 4th edn, Sage Publications, California, USA.

Elliott, J 2005, *Using narrative in social research: qualitative and quantitative approaches*, Sage Publications, London, UK.

Ellis, E 2005, 'Practical points in representing the Department Of Community Services', *Children's Law News*, vol. 7, viewed 17 April 2014, via <http://www.childrenscourt.justice.nsw.gov.au/Documents/practicalpointsinrepresentingdocs.doc>.

Esser, F 2015, 'Fabricating the developing child in institutions of education: a historical approach to documentation', *Children & Society*, vol. 29, no. 3, pp. 174-83, viewed 15 September 2015, DOI 10.1111/chso.12113, (EBSCOhost).

Evans, S 2016, 'What should social welfare seek to achieve? applying the capability approach', *Ethics and Social Welfare*, pp. 1-14, viewed 12 November 2016, DOI 10.1080/17496535.2016.1234632, (Taylor and Francis online).

Ewick, P & Silbey, SS 1995, 'Subversive stories and hegemonic tales: toward a sociology of narrative', *Law & Society Review*, vol. 29, no. 2, pp. 197-226, viewed 17 April 2014, (EBSCOhost).

Fairclough, N 2010a, *Critical discourse analysis: the critical study of language*, 2nd edn, Routledge, London, UK.

— 2010b, 'New Labour: a language perspective ', in N Fairclough (ed.), *Critical Discourse Analysis: The critical study of language*, Second edition edn, Routledge, Oxon, UK.

Farnfield, S 2008, 'A theoretical model for the comprehensive assessment of parenting', *British Journal of Social Work*, vol. 38, no. 6, pp. 1076-99, viewed 12 March 2014, DOI 10.1093/bjsw/bcl395, (EBSCOhost).

Featherstone, B 2006, 'Why gender matters in child welfare and protection', *Critical Social Policy*, vol. 26, no. 2, pp. 294-314, viewed 18 May 2014, DOI 10.1177/0261018306062587, (SAGE Premier).

Fernandez, E 2014, 'Child protection and vulnerable families: trends and issues in the Australian context', *Social Sciences*, vol. 3, no. 4, pp. 785-808, viewed 1 December 2014, DOI doi:<http://dx.doi.org/10.3390/socsci3040785>, via Proquest Central.

Fernandez, E, Bolitho, J, Hansen, P & Hudson, M 2013, 'The Children's Court in New South Wales', in *Australia's Children's Courts Today and Tomorrow*, Springer, pp. 27-44.

Fincham, B, Langer, S, Scourfield, J & Shiner, M 2011, *Understanding Suicide: A sociological autopsy*, Palgrave Macmillan, Basingstoke, UK.

Finn, JL 1995, 'Ella Cara Deloria and Mourning Dove: writing for cultures, writing against the grain', in R Behar & D Gordon (eds), *Women writing culture*, University California Press, California, USA, pp. 131-47.

Flyvbjerg, B 2011, 'Case study', in NK Denzin & YS Lincoln (eds), *The SAGE handbook of qualitative research*, 4th edn, SAGE Publications Inc., Los Angeles, USA.

Fogarty, JF 2008, 'Some aspects of the early history of child protection in Australia', *Family Matters*, no. 78, pp. 52-9, viewed 30 October 2011, (EBSCOhost).

Fontana, A & Frey, JH 2005, 'The interview: from neutral stance to political involvement', in NK Denzin & YS Lincoln (eds), *The Sage Handbook of Qualitative Research*, 3rd edn, Sage Publications, California, USA.

Foucault, M 1991, 'Governmentality (1978)', in G Burchall, C Gordon & P Millar (eds), *The Foucault Effect—Studies in Governmentality*, Harvester Wheatsheaf, Hertfordshire, UK.

— 1991 [1977], *Discipline and punish : the birth of the prison*, Penguin Books, London, UK.

— 2008a, *The Birth of Biopolitics: Lectures at the College De France 1978-1979*, Picador, New York, USA.

— 2008b, *The birth of biopolitics: lectures at the Collège de France, 1978-1979* Picador, Basingstoke, UK.

Friedman, JS 1984, 'The art of fiction LXXIX: Elie Wiesel', *The Paris Review*, no. 91, pp. 130-78, viewed 27 October 2015, (EBSCOhost).

Frohmann, B 2009, 'Revisiting "what is a document?"', *Journal of Documentation*, vol. 65, no. 2, pp. 291-303, viewed 12 August 2012, DOI 10.1108/00220410910937624, (ProQuest Central).

Frontline 2006, *The Tank Man*, <<http://www.pbs.org/wgbh/pages/frontline/tankman/themes/tankman.html>>.

Gair, S 2012, 'Documenting practice so we're all on the same page: Upholding the creativity, power and meaningfulness of writing', *Advances in Social Work and Welfare Education*, vol. 14, no. 1, pp. 7-21, viewed 24 January 2016, (Informit).

Gambrill, E 2011, 'Evidence-based practice and the ethics of discretion', *Journal of Social Work*, vol. 11, no. 1, pp. 26-48, viewed 23 November 2016, DOI 10.1177/1468017310381306, via SAGE Premier 2016.

Gerring, J 2007, *Case Study Research: Principles and Practices*, Cambridge University Press, Cambridge, UK.

Ghaffar, W, Manby, M & Race, T 2012, 'Exploring the experiences of parents and carers whose children have been subject to child protection plans', *British Journal of Social Work*, vol. 42, no. 5, p. 887, viewed 27 July 2013, DOI 10.1093/bjsw/bcr132, (ProQuest Central).

Gilbert, N, Parton, N & Skivenes, M 2011a, 'Changing Patterns of Response and Emerging Orientations.', in Neil Gilbert, Nigel Parton & Marit Skivenes (eds), *Child Protection Systems: International Trends and Orientations*, Oxford University Press, New York, USA.

— (eds) 2011b, *Child protection systems: international trends and orientations*, Oxford University Press, New York, USA.

Gillham, B 2000, *Case study research methods /Bill Gillham*, Real world research, Continuum, Number of Pages:vi, 106 p. ;, London :.

Government of Western Australia 2010, *Courts Standard Design Brief*, Department of the Attorney General, Perth, Western Australia, via http://www.courts.dotag.wa.gov.au/files/courts_design_brief.pdf.

Graham, LJ 2006, 'Caught in the net: a Foucaultian interrogation of the incidental effects of limited notions of inclusion', *International Journal of Inclusive Education*, vol. 10, no. 1, pp. 3-25, viewed 18 June 2012, DOI 10.1080/13603110500173217, (Taylor & Francis Online).

Greig, A, Lewins, F & White, K 2003, *Inequality in Australia*, Cambridge University Press, Cambridge, UK.

Hall, C 1997, *Social work as narrative: storytelling and persuasion in professional texts*, Ashgate, Aldershot, UK.

Hall, C & Slembrouck, S 2011a, 'Categorisations of child 'in need' and child 'in need of protection' and implications for the formulation of 'deficit' parenting', in CN Candlin & J Crichton (eds), *Discourses of deficit*, Palgrave Macmillan, Hampshire, UK.

— 2011b, 'Interviewing parents of children in care: perspectives, discourses and accountability', *Children and Youth Services Review*, vol. 33, no. 3, pp. 457-65, viewed 1 September 2012, DOI 10.1016/j.childyouth.2010.06.016, (Elsevier).

Harding, S 2012, 'Feminist standpoints', in SN Hesse-Biber (ed.), *The handbook of feminist research: theory and praxis*, 2nd edn, SAGE Publications, California, USA, pp. 46-64.

Hardley, J 2010, '"Doing Justice Differently": "Alternative" Courtroom Spaces & Practices in Contemporary Australia', Masters thesis, Utrecht University.

Harries, M 2008, *The experiences of parents and families of children and young people in care*, Centre for Vulnerable Children and Families, Western Australia, Australia, viewed 23 July 2012, via http://library.wnhs.health.wa.gov.au/Documents/63343_Exp%20of%20Parents_v3.pdf.

Harris, N 2011, 'Does responsive regulation offer an alternative? questioning the role of formalistic assessment in child protection investigations', *British Journal of Social Work*, viewed August 16, 2011, DOI 10.1093/bjsw/bcr112, (Oxford University Press journals).

Harris, N, Braithwaite, V & Ivec, M 2009, 'Rejoinder: a responsive approach to child protection', *Communities, Children and Families Australia*, vol. 4, no. 1, pp. 71-7, viewed 13 October 2013, (Informit).

Haynes, P 2014, 'Chaos and complexity for social scientists', *Social Sciences Research Network*, pp. 1-33, viewed 15 August 2015, (Social Sciences Research Network).

Head, BW 2011, 'Why not ask them? mapping and promoting youth participation', *Children and Youth Services Review*, vol. 33, no. 4, pp. 541-7, DOI <http://dx.doi.org/10.1016/j.childyouth.2010.05.015>, (Science Direct).

Hesse-Biber, SN 2014, 'Feminist approaches to in-depth interviewing', in SN Hesse-Biber (ed.), *Feminist research practice: a primer*, 2nd edn, Sage Publications Inc., California, USA, pp. 182-232.

Hesse-Biber, SN & Leavy, P 2008, 'Pushing on the Methodological Boundaries: The Growing Need for Emergent Methods within and across the Disciplines', in SN Hesse-Biber & P Leavy (eds), *Handbook of Emergent Methods*, The Guilford Press, New York, USA.

Higgins, D & Katz, I 2008, 'Enhancing service systems for protecting children', *Family Matters*, no. 80, pp. 43-50, viewed 14 February 2012, via sih (EBSCOhost).

Higgins, DJ, Bromfield, LM, Higgins, JR & Richardson, N 2006, 'Protecting Indigenous children: views of carers and young people on 'out-of-home care'', *Family Matters*, no. 75, pp. 42-9, viewed 14 February 2012, (EBSCOhost).

Hill, SB 2000, *Social ecology as future stories*, Unpublished, viewed 1 December 2014, (<http://www.zulenet.com/see/asfuturewhite.html>).

Hindess, B 2014, *Unintended rhetoric: The 'Little children are sacred' report*, ANU Press, Canberra, Australia, <<http://press.anu.edu.au/?p=291051>>.

Hinton, T 2013, *Parents in the child protection system*, Anglicare Tasmania, viewed 1 July 2014, via <https://www.anglicare-tas.org.au/sites/anglicare-tas.org.au/files/parents-in-the-child-protection-system-research-report.pdf>.

Hirsh, E & Olson, GA 1995, 'Starting from marginalised lives: A conversation with Sandra Harding', in GA Olson & E Hirsh (eds), *Women writing culture*, State University of New York Press, Albany, USA, pp. 3-44.

Holbrook, TL 1997, 'Document Analysis', *Marriage & Family Review*, vol. 24, no. 1-2, pp. 41-56, viewed 22 August 2012, DOI 10.1300/J002v24n01_03, (ProQuest Central).

hooks, b 1994, *Outlaw culture: resisting representations*, Routledge, New York, USA.

Horsfall, D 2009, 'Facing the challenges of writing: finding courage and conviction', in J Higgs, D Horsfall & S Grace (eds), *Writing qualitative research on practice*, Sense Publishers, Rotterdam, The Netherlands, pp. 243-52.

Horsfall, D & Pinn, J 2009, 'Writing Collaboratively', in J Higgs, D Horsfall & S Grace (eds), *Writing qualitative research on practice*, Sense Publishers, Rotterdam, The Netherlands.

Houston, S 2014, 'Assessing parenting capacity in child protection: towards a knowledge-based model', *Child & Family Social Work*, pp. 1 - 11, viewed 5 September 2014, DOI 10.1111/cfs.12151, (EBSCOhost).

HREOC 1997, *Bringing them home: report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, Human Rights and Equal Opportunity Commission, via https://www.humanrights.gov.au/.../bringing_them_home_report.pdf.

Huebner, RA, Werner, M, Hartwig, S, White, S & Shewa, D 2008, 'Engaging fathers: needs and satisfaction in child protective services', *Administration in Social Work*, vol. 32, no. 2, pp. 87-103, viewed 25 May 2014, DOI 10.1300/J147v32n02_06, (Taylor & Francis online).

Hughes, EN 2006, *BC children and youth review : an independent review of BC's child protection system*, Department of Children and Family Development, British Columbia, Canada.

Hunt, A 2013, 'Encounters with Juridicial Assemblages: Reflections on Foucault, law and the juridicial', in B Golder (ed.), *Re-reading Foucault: On Law, Power and Rights*, Routledge London, UK, pp. 64-84.

Hunter, S 2008, 'Living documents: a feminist psychosocial approach to the relational politics of policy documentation', *Critical Social Policy*, vol. 28, no. 4, pp. 506-28, viewed 18 October 2014, DOI 10.1177/0261018308095300, (SAGE Premier).

Icard, LD, Fagan, J, Lee, Y & Rutledge, SE 2015, 'Father's involvement in the lives of children in foster care', *Child & Family Social Work*, pp. 1 - 10, viewed 12 July 2015, DOI 10.1111/cfs.12196, (EBSCOhost).

Jamrozik, A 2009, *Social policy in the post-welfare state : Australian society in a changing world*, 3rd edn, Pearson Education Australia, Frenchs Forest, Australia.

Jenks, C 2005, *Childhood*, 2nd edn, Key Ideas, Routledge, Abingdon, UK.

Johnstone, P 2013, 'Initiating report and service of the relevant portion of the Community Services file in care proceedings', *Practice Note No. 2*, viewed 12 January 2014, via [http://www.childrenscourt.justice.nsw.gov.au/agdbasev7wr/assets/childrenscourt/m4100511/amended%20practice%20note%202%20dec%2012%20\(final\).doc](http://www.childrenscourt.justice.nsw.gov.au/agdbasev7wr/assets/childrenscourt/m4100511/amended%20practice%20note%202%20dec%2012%20(final).doc)

— 2014, 'Case Management in Care Proceedings', *Practice Note No. 5*, viewed 14 October 2014, via [http://www.childrenscourt.justice.nsw.gov.au/agdbasev7wr/assets/childrenscourt/m4100511771010/practice%20note%20no.5%20-amended%20version%20sept%2014%20\(final\).pdf](http://www.childrenscourt.justice.nsw.gov.au/agdbasev7wr/assets/childrenscourt/m4100511771010/practice%20note%20no.5%20-amended%20version%20sept%2014%20(final).pdf).

Kalil, A, Haskins, R & Chesters, J 2012, 'Introduction', in A Kalil, R Haskins & J Chesters (eds), *Investing in Children : Work, Education, and Social Policy in Two Rich Countries*, Brookings Institution Press, Washington, DC, USA.

Katz, C & Barnett, Z 2014, '"Love covereth all transgressions": children's experiences with physical abuse as portrayed in their narratives during forensic investigations', *Children and Youth Services Review*, vol. 43, pp. 1-7, viewed 24 July 2015, DOI <http://dx.doi.org/10.1016/j.childyouth.2014.04.012>, (Science Direct).

Keddie, A 2013, 'Indigenous representation and alternative schooling: prioritising an epistemology of relationality', *International Journal of Inclusive Education*, vol. 18, no. 1, pp. 55-71, viewed 6 October 2015, DOI 10.1080/13603116.2012.756949, via Taylor & Francis Current Content Access.

Kempe, CH, Silverman, FN, Steele, BF, Droegemueller, W & Silver, HK 1985 [1962], 'The battered-child syndrome', *Child Abuse & Neglect*, vol. 9, no. 2, pp. 143-54, viewed 17 August 2014, DOI [http://dx.doi.org/10.1016/0145-2134\(85\)90005-5](http://dx.doi.org/10.1016/0145-2134(85)90005-5), via Elsevier SD Backfile Social Sciences.

Kent, H (ed.) 1998, *The Australian Oxford Mini Dictionary*, 2nd edn, Oxford University Press, Oxford, UK.

Kincheloe, JL, McLaren, P & Steinberg, SR 2011, 'Critical pedagogy and qualitative research: moving to the bricolage', in NK Denzin & YS Lincoln (eds), *The SAGE handbook of qualitative research*, 4th edn, SAGE Publications Inc., Los Angeles, USA, pp. 163-77.

Kirton, D 2012, 'The care and protection of children', in J Baldock, L Mitton, N Manning & S Vickerstaff (eds), *Social Policy*, 4th edn, Oxford University Press, Oxford, UK, pp. 315-40.

Knox-Haly, M 2013, 'Erosion of caseworker standing only increases chances of another Kiesha', *Sydney Morning Herald*, 2013 Jul 11, p. 20.

Koval, R 1992, *One to one*, ABC Enterprises, Sydney, Australia.

Labbé, J 2005, 'Ambroise Tardieu: The man and his work on child maltreatment a century before Kempe', *Child Abuse & Neglect*, vol. 29, no. 4, pp. 311-24, viewed 6 October 2015, DOI <http://dx.doi.org/10.1016/j.chiabu.2005.03.002>, (Elsevier).

Lamont, A & Bromfield, L 2010, 'History of child protection services', *NCPC Resource Sheet*, vol. October 2010, viewed 13th May, 2011, via <http://www.aifs.gov.au/nch/pubs/sheets/rs22/rs22.pdf>.

Latour, B 2005, *Reassembling the social: an introduction to actor-network-theory*, Oxford University Press, Oxford, UK.

Lee, N 1994, 'Child protection investigations: discourse analysis and the management of incommensurability', *Journal of Community & Applied Social Psychology*, vol. 4, no. 4, pp. 275-86, viewed 12 October 2012, DOI 10.1002/casp.2450040407, (EBSCOhost).

Lees, A, Meyer, E & Rafferty, J 2013, 'From Menzies Lyth to Munro: The Problem of Managerialism', *British Journal of Social Work*, vol. 43, no. 3, pp. 542-58, viewed 24 April 2015, DOI 10.1093/bjsw/bct183, (EBSCOhost).

Leichtentritt, R, Davidson-Arad, B & Peled, E 2011, 'Construction of court petitions in cases of alternative placement of children at risk: Meaning-making strategies that social workers use to shape court decisions', *American Journal of Orthopsychiatry*, vol. 81, no. 3, pp. 372-81, viewed 12 July 2014, DOI 10.1111/j.1939-0025.2011.01105.x, (EBSCOhost).

Levins, R & Lewontin, R 1980, 'Dialectics and reductionism in ecology', *Synthese*, vol. 43, no. 1, pp. 47-78, viewed 13 April 2013, DOI 10.1007/BF00413856, (JSTOR Arts and Sciences V).

Lewig, K, Scott, D, Holzer, P, Arney, F, Humphreys, C & Bromfield, L 2010, 'The role of research in child protection policy reform: a case study of South Australia', *Evidence & Policy: A Journal of Research, Debate and Practice*, vol. 6, no. 4, pp. 461-82, viewed 30 September 2013, DOI 10.1332/174426410X535855, (SAGE Premier).

Lewin, K 1947, 'Frontiers in group dynamics II. Channels of group life; social planning and action research', *Human relations*, vol. 1, no. 2, pp. 143-53, viewed 11 April 2015, DOI: 10.1177/001872674700100201, (SAGE Deep Backfile).

Lincoln, YS, Lynham, SA & Guba, EG 2011, 'Paradigmatic controversies, contradictions, and emerging confluences, revisited', in NK Denzin & YS Lincoln (eds), *The SAGE handbook of qualitative research*, 4th edn, SAGE Publications Inc., Los Angeles, USA, pp. 97-128.

Lister, R 2006, 'Children (but not women) first: New Labour, child welfare and gender', *Critical Social Policy*, vol. 26, no. 2, pp. 315-35, viewed 30 April 2013, DOI 10.1177/0261018306062588, (SAGE Premier).

Livholts, M 2012, 'Introduction: contemporary untimely post/academic writings - transforming the shape of knowledge in feminist studies', in M Livholts (ed.), *Emergent writing methodologies in feminist studies*, Routledge New York, USA, pp. 1-24.

Lock, A & Shotter, J 2011, *The Social Nature of Human Development*, (unpublished chapter) prepared for: An Introduction to Developmental Psychology, http://tur-www1.massey.ac.nz/~alock/Slater_Developmental_2e-online%20chapter.pdf.

Lodge, D 1992, *The art of fiction : illustrated from classic and modern texts*, Penguin, London, UK.

Lonne, B 2013, 'Reshaping our protective systems: issues and options', *Communities, Children and Families Australia*, vol. 7, no. 1, pp. 9-20, viewed 9 May 2013, (Informit).

Lonne, B, Harries, M & Lantz, S 2013, 'Workforce development: a pathway to reforming child protection systems in Australia', *British Journal of Social Work*, vol. 43, no. 8, pp. 1630-48, viewed 5 March 2014, DOI 10.1093/bjsw/bcs064, (Oxford University journals).

Loseke, DR 2007, 'The study of identity as cultural, institutional, organizational, and personal narratives: theoretical and empirical integrations', *Sociological Quarterly*, vol. 48, no. 4, pp. 661-88, viewed 5 March 2014, DOI 10.1111/j.1533-8525.2007.00096.x, (EBSCOhost).

Lynch, MA 1985, 'Child abuse before Kempe: an historical literature review', *Child Abuse & Neglect*, vol. 9, no. 1, pp. 7-15, viewed 12 July 2015, DOI [http://dx.doi.org/10.1016/0145-2134\(85\)90086-9](http://dx.doi.org/10.1016/0145-2134(85)90086-9), (Elsevier).

Maeckelbergh, M 2016, *Whose ethics? negotiating ethics and responsibility in the field*, Indiana University Press, <<http://ebookcentral.proquest.com.ezproxy.uws.edu.au/lib/uwsau/detail.action?docID=4721241>>.

Maiter, S, Palmer, S & Manji, S 2003, *Invisible lives: the experiences of parents receiving child protective services*, Wilfred Laurier University Ontario, Canada, viewed 18 September 2012, via http://www.wlu.ca/docsnpubs_detail.php?grp_id=1288&doc_id=7213.

Mann, T & Blunden, A 2010, 'Affidavit', in T Mann & A Blunden (eds), *Australian Law Dictionary*, Oxford University Press, South Melbourne, Australia.

Marcus, GE & Fisher, MMJ 1986, *Anthropology as cultural critique: an experimental moment in the human sciences*, University of Chicago Press, Chicago, USA.

Mardorossian, CM 2013, 'Poetics of landscape: Édouard Glissant's creolized ecologies', *Callaloo*, vol. 36, no. 4, pp. 983-94, 1034, viewed 10 October 2015, DOI 10.1353/cal.2013.0196, (Proquest Central).

Mason, J & Falloon, J 1999, 'A children's perspective on child abuse', *Children Australia*, vol. 24, no. 3, pp. 9-15, viewed 12 February 2012, (Informit).

Mason, J & Fattore, T 2005, 'Child protection policy and the construction of childhood', in J Mason & T Fattore (eds), *Children taken seriously: In theory, policy and practice*, Jessica Kingsley Publishers, London, UK, pp. 91-7.

McCallum, D 2009, 'Punishing welfare: genealogies of child abuse', *Griffith Law Review*, vol. 18, no. 1, pp. 114-28, viewed 12 March 2013, DOI 1760510791, (ProQuest Central).

— 2012, 'Bio-child: human sciences and governing through freedom', *Journal of Sociology*, pp. 1-14, viewed 30 May 2013, DOI 10.1177/1440783312467092, (SAGE Premier).

McConnell, D & Llewellyn, G 2000, 'Disability and discrimination in statutory child protection proceedings', *Disability & Society*, vol. 15, no. 6, pp. 883-95, viewed 10 July 2015, DOI 10.1080/713662015, (Taylor & Francis online).

— 2005, 'Social inequality, 'the deviant parent' and child protection practice', *Australian Journal of Social Issues*, vol. 40, no. 4, pp. 553-66, (ProQuest Central).

McConnell, D & Sigurjonsdottir, H 2010, 'Caught in the child protection net', in G Llewellyn, R Traustadottir, D McConnell & HB Sigurjonsdottir (eds), *Parents with intellectual disabilities: past, present and futures*, Wiley-Balckwell, Massachusetts, USA, pp. 171-87.

McDonald, D, Boddy, J, O'Callaghan, K & Chester, P 2015, 'Ethical professional writing in social work and human services', *Ethics and Social Welfare*, vol. 9, no. 4, pp. 359-74, viewed 2 November 2015, DOI 10.1080/17496535.2015.1009481, (Taylor & Francis online).

McDonald, M, Higgins, D, Valentine, K & Lamont, A 2011, *Protecting Australia's children research audit (1995–2010): Final report*, Commonwealth of Australia, viewed 13 March 2012, via <http://www.aifs.gov.au/nch/pubs/reports/audit/2011/audit2011.pdf>.

McFadden, JJ 2014, 'Disciplining the "Frankenstein of pauperism": the early years of charity organization case recording, 1877--1907', *Social Service Review*, vol. 88, no. 3, pp. 469-92, viewed 29 November 2016, (EBSCOhost).

McLuhan, M & Stern, GE 1968, 'Even Hercules had to clean the Augean stables but once!', in GE Stern (ed.), *McLuhan hot & cool: a primer for the understanding of and a critical symposium with responses by McLuhan*, Penguin Books, Middlesex, UK, pp. 301-37.

Mears, CL 2008a, 'A Columbine Study: Giving Voice, Hearing Meaning', *Oral History Review*, vol. 35, no. 2, pp. 159-75, viewed 4 July 2012, DOI 10.1093/ohr/ohn026, (EBSCOhost).

— 2008b, 'Gateways to understanding: a model for exploring and discerning meaning from experience', *International Journal of Qualitative Studies in Education*, vol. 21, no. 4, pp. 407-25, viewed 4 July 2013, DOI 10.1080/09518390701470412, (Taylor & Francis online).

— 2009, *Interviewing for education and social science research*, Palgrave Macmillan, New York, USA.

Merchant, C 2005, *Radical ecology: the search for a livable world*, 2nd edn, Routledge, New York, USA.

Miller, CR [1984] 1994, 'Genre as social action', in A Freedman & P Medway (eds), *Genre and the new rhetoric*, Taylor & Francis, London, UK, pp. 23-42.

Mitchell, N 2014, *Creating tomorrow's schools today*, ABC Radio National, Australia, <<http://www.abc.net.au/radionational/programs/lifematters/monday-29th-september-2014/5772752>>.

Morgan, G & Smircich, L 1980, 'The case for qualitative research', *Academy of Management Review*, vol. 5, no. 4, pp. 491-500, viewed 9 February 2013, DOI 10.5465/amr.1980.4288947, (ProQuest Central).

Moya, H 2009, 'Identities on paper: constructing lives for people with intellectual disabilities in life story books', *Narrative Inquiry*, vol. 19, no. 1, pp. 135-53, viewed 12 October 2014, DOI 10.1075/ni.19.1.08moy, (Ingenta Connect).

Mulcahy, L 2007, 'Architects of justice: the politics of courtroom design', *Social & Legal Studies*, vol. 16, no. 3, pp. 383-403, viewed 15 September 2014, DOI 10.1177/0964663907079765, (SAGE Premier).

Munro, E 2010, 'Learning to reduce risk in child protection', *British Journal of Social Work*, vol. 40, no. 4, pp. 1135-51, viewed 21 November 2012, DOI 10.1093/bjsw/bcq024, (EBSCOhost SocINDEX).

— 2011, *The Munro review of child protection. Pt. 1, a systems analysis*, Department for Education, UK Government, London, UK, viewed 1 March 2014, via https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175407/The_MunroReview-Part_one.pdf.

Myers, JE 2008, 'A short history of child protection in America', *Family Law Quarterly*, vol. 42, no. 3, pp. 449-63, viewed 25 July 2015, (HeinOnline).

Northern Territory Government 2010, *Growing Them Strong, Together* Northern Territory Government, Darwin, Australia, viewed 14 May 2014, via http://www.childprotectioninquiry.nt.gov.au/_data/assets/pdf_file/0009/49779/CPSR_Summary.pdf.

NSW Department of Community Services 2006, *Effective parenting capacity assessment: key issues*, Centre for Parenting and Research, Sydney, Australia, viewed 1 March 2012, via http://www.community.nsw.gov.au/docswr/assets/main/documents/researchnotes_parenting_keyissues.pdf.

2012, *Children and Young Persons (Care and Protection) Act 1998 No 157*, by NSW Government.

O'Donnell, M, Scott, D & Stanley, F 2008, 'Child abuse and neglect - is it time for a public health approach?', *Australian and New Zealand Journal of Public Health*, vol. 32, no. 4, pp. 325-30, viewed 5 March 2015, DOI 10.1111/j.1753-6405.2008.00249.x, (EBSCOhost SocINDEX).

O'Neill, M 2008, 'Theodor Adorno', in R Stones (ed.), *Key Sociological Thinkers*, 2nd edn, Palgrave Macmillan, New York, USA.

Okri, B 1997, *A Way of Being Free*, Phoenix House, London, UK.

— 2011, *A Time for New Dreams*, Random House, London, UK.

Olesen, V 2011, 'Feminist qualitative research in the millenium's first decade', in NK Denzin & YS Lincoln (eds), *The SAGE handbook of qualitative research*, 4th edn, SAGE Publications Inc., Los Angeles, USA, pp. 97-128.

Ong, A & Collier, SJ (eds) 2005, *Global assemblages: technology, politics, and ethics as anthropological problems*, Blackwell Publishing, Massachusetts, USA.

Onwuegbuzie, AJ & Leech, NL 2009, 'Generalization practices in qualitative research: a mixed methods case study', *Quality & Quantity*, vol. 44, no. 5, pp. 881-92, viewed 15 January 2014, DOI 10.1007/s11135-009-9241-z, (Proquest Central).

Palmer, S, Maiter, S & Manji, S 2006, 'Effective intervention in child protective services: learning from parents', *Children and Youth Services Review*, vol. 28, no. 7, pp. 812-24, viewed 10 August 2013, DOI 10.1016/j.childyouth.2005.08.010, (EBSCOhost SocINDEX).

Parton, N 2007, 'Safeguarding children: a socio-historical analysis', in K Wilson & A James (eds), *The Child Protection Handbook*, Elsevier, London, UK, pp. 9-30.

— 2009, 'How child centred are our child protection systems and how child centred do we want our child protection regulatory principles to be?', *Communities, Children and Families Australia*, vol. 4, no. 1, pp. 59-64, viewed 13 July 2014, (Informit).

— 2010, 'From dangerousness to risk': the growing importance of screening and surveillance systems for safeguarding and promoting the well-being of children in England', *Health, Risk & Society*, vol. 12, no. 1, pp. 51-64, viewed 12 December 2013, DOI 10.1080/13698570903508697, (EBSCOhost).

Parton, N, Lonne, B, Thomson, J & Harries, M 2008, *Reforming child protection*, Taylor & Francis, viewed 16 October 2014, (EBL).

Patty, A 2013, 'Suffer still the little children', *Sydney Morning Herald*, 2013 Jul 13, p. 6.

Payne, M 2005, *The origins of social work: continuity and change*, Palgrave Macmillan, Hampshire, UK.

Peckover, S, White, S & Hall, C 2008, 'Making and managing electronic children; e-assessment in child welfare', *Information, Communication & Society*, vol. 11, no. 3, pp. 375-94, viewed 19 February 2015, DOI 10.1080/13691180802025574, (Taylor and Francis Social Science and Humanities Library).

Phillips, G 2014, 'Culture and power: whiteness in Aboriginal health and medical education (Draft conference paper)', paper presented to Exploring images of whiteness: exploring critical issues, Mansfield College, Oxford, Monday 21st July – Wednesday 23rd July 2014, <<http://www.inter-disciplinary.net/critical-issues/wp-content/uploads/2014/05/Gregory-Phillips-white4-wpaper.pdf>>.

Pillow, WS & Mayo, C 2012, 'Feminist ethnography: histories, challenges, and possibilities', in SN Hesse-Biber (ed.), *The handbook of feminist research: theory and praxis*, 2nd edn, SAGE Publications, California, USA, pp. 187-205.

Pinkerton, J 2011, 'Constructing a global understanding of the social ecology of leaving out of home care', *Children and Youth Services Review*, vol. 33, no. 12, pp. 2412-6, viewed 4 April 2014, DOI 10.1016/j.childyouth.2011.08.020, (Elsevier ScienceDirect).

Pithouse, A & Atkinson, P 1988, 'Telling the case: occupational narrative in a social work office', in N Coupland (ed.), *Styles of discourse*, Croom Helm, New York, USA, pp. 183-200.

Porter Abbott, H 2008, *The Cambridge introduction to narrative*, 2nd edn, Cambridge University Press, Cambridge, UK.

Prince, K 1996, *Boring records? communication, speech and writing in social work practice*, Jessica Kingsley Publishers, London, United Kingdom.

Prior, L 2008a, 'Repositioning documents in social research', *Sociology*, vol. 42, no. 5, pp. 821-36, viewed 17 February 2013, DOI 10.1177/0038038508094564, (SAGE Premier).

— 2008b, 'Researching documents: emergent methods', in SN Hesse-Biber & P Leavy (eds), *Handbook of Emergent Methods*, The Guilford Press, New York, USA.

— 2011, 'Introduction', in L Prior (ed.), *Using Documents and Records in Social Research*, SAGE Publications, London, UK, vol. 1.

Punch, S 2003, 'Childhoods in the majority world: miniature adults or tribal children?', *Sociology*, vol. 37, no. 2, pp. 277-95, viewed 24 October 2015, DOI 10.1177/0038038503037002004, (SAGE Premier).

Putnam, LL & Cooren, F 2004, 'Alternative perspectives on the role of text and agency in constituting organizations', *Organization*, vol. 11, no. 3, pp. 323-33, viewed 5 June 2013, DOI 10.1177/1350508404041995, (ProQuest Central).

Reed, A 2006, 'Documents unfolding', in A Riles (ed.), *Documents: artifacts of modern knowledge*, The University of Michigan Press, Michigan, USA, pp. 158-77.

Resnik, J & Curtis, DE 2011, *Representing justice: invention, controversy, and rights in city-states and democratic courtrooms*, Yale University Press, New Haven, USA.

Richards, L 2015, *Handling qualitative data: a practical guide*, 3rd edn, SAGE Publications London, UK.

Richardson, L 1997, *Fields of play: constructing an academic life*, Rutgers University Press, New Jersey, USA.

— 2000, 'Writing: a method of inquiry', in NK Denzin & YS Lincoln (eds), *Handbook of qualitative research*, 2nd edn, SAGE Publications, California, USA, pp. 923-48.

Riles, A (ed.) 2006, *Documents: artifacts of modern knowledge*, The University of Michigan Press, Ann Arbor, USA.

Rimmon-Kenan, S 2002, *Narrative Fiction*, 2nd edn, Contemporary Poetics, Routledge, London, UK.

Risley-Curtiss, C & Heffernan, K 2003, 'Gender biases in child welfare', *Affilia*, vol. 18, no. 4, pp. 395-410, viewed 16 September 2014, DOI 10.1177/0886109903257629, (SAGE Premier).

Robertson, AS 2014, 'Child Welfare Assessment Practices in Scotland: An Ecological Process Grounded in Relationship-Building', *Journal of Public Child Welfare*, vol. 8, no. 2, pp. 164-89.

Roets, G, Rutten, K, Roose, R, Vandekinderen, C & Soetaert, R 2015, 'Constructing the 'child at risk' in social work reports: a way of seeing is a way of not seeing', *Children & Society*, vol. 29, no. 3, pp. 198-208, viewed 12 December 2015, DOI 10.1111/chso.12115, (Wiley Online).

Roose, R, Mottart, A, Dejonckheere, N, van Nijnatten, C & De Bie, M 2009, 'Participatory social work and report writing', *Child & Family Social Work*, vol. 14, no. 3, pp. 322-30.

Roose, R, Roets, G, Van Houte, S, Vandenhoe, W & Reynaert, D 2013, 'From parental engagement to the engagement of social work services: discussing reductionist and democratic forms of partnership with families', *Child & Family Social Work*, vol. 18, no. 4, pp. 449-57, viewed 13 March 2015, DOI 10.1111/j.1365-2206.2012.00864.x, (SAGE Premier).

Rose, N 2001, 'The politics of life itself', *Theory, Culture & Society*, vol. 18, no. 6, pp. 1-30, viewed 18 April 2014, DOI 10.1177/02632760122052020, (SAGE Premier).

Rotello, G 1997, *Sexual ecology : AIDS and the destiny of gay men*, Dutton, New York, USA.

Sammut, J 2010, *The power and the responsibility: child protection in the post-welfare state era*, Centre for Independent Studies, Sydney, Australia, viewed 1 November 2012, via <http://www.cis.org.au/app/uploads/2015/07/op117.pdf>.

— 2014, *Still damaging and disturbing: Australian child protection data and the need for national adoption targets*, Centre for Independent Studies, Sydney, Australia, viewed 12 February 2014, via <http://www.cis.org.au/app/uploads/2015/07/ia145.pdf>.

Sanson, A & Stanley, F 2010, *Improving the wellbeing of Australian children and youth: the importance of bridging the know-do gap*, ANU E Press, Canberra, Australia, 20 December 2010, <Directory of Open Access Books>.

Sassen, S 2013, 'Does the City Have Speech?', *Public Culture*, vol. 25, no. 2 70, pp. 209-21, viewed 21 September 2013, DOI 10.1215/08992363-2020557, (EBSCOhost SocINDEX).

— 2014, *Expulsions: brutality and complexity in the global economy*, Harvard University Press, Massachusetts, USA.

— 2015, 'At the systemic edge', *Cultural Dynamics*, vol. 27, no. 1, pp. 173-81, viewed 12 November 2015, DOI 10.1177/0921374014567395, (SAGE Premier).

Schostak, J 2006, *Interviewing and representation in qualitative research*, Conducting educational research, Open University Press, Berkshire, UK.

Schryer, CF 2012, 'Investigating texts in their social contexts: the promise and peril of rhetorical genre studies', in D Starke-Meyerring, A Paré, N Artemeva, M Horne & L Yousoubova (eds), *Writing in knowledge societies*, Parlor Press & the WAC Clearinghouse, South Carolina, USA.

Scott, D 2006, 'Towards a public health model of child protection in Australia', *Communities, Children and Families Australia*, vol. 1, no. 1, pp. 9-16, viewed 24 January 2013, (Informit).

— 2009, 'Regulatory principles and reforming possibilities in child protection: What might be in the best interests of children?', *Communities, Children and Families Australia*, vol. 4, no. 1, pp. 65-70, viewed 12 August 2014, (Informit).

Scott, D & Swain, S 2002, *Confronting cruelty : historical perspectives on child abuse*, Melbourne University Press, Melbourne, Australia.

Scourfield, J 2001, 'Constructing women in child protection work', *Child & Family Social Work*, vol. 6, no. 1, pp. 77-87, viewed 30 September 2013, DOI 10.1046/j.1365-2206.2001.00189.x, (Wiley Online).

Shelley, M 2009 [1818], *Frankenstein; or, the modern Prometheus*, Arcturus Publishing, London, UK.

Shotter, J 2012, 'Gergen, confluence, and his turbulent, relational ontology: the constitution of our forms of life within ceaseless, unrepeatable, intermingling movements', *Psychological Studies*, vol. 57, no. 2, pp. 134-41, viewed 25 February 2015, DOI 10.1007/s12646-011-0127-5, (Springer Link).

Silberstein, LJ 2006, 'Becoming Israeli/Israeli becomings', in I Buchanan & A Carr (eds), *Deleuze and the Contemporary World*, Edinburgh University Press Edinburgh, UK, pp. 146-60.

Silverman, D 2009, *Doing qualitative research*, SAGE Publications, viewed 22 December 2014, (EBook Library).

Spellmeyer, K 2014, 'Fighting words: instrumentalism, pragmatism, and the necessity of politics in composition', *Pedagogy*, vol. 14, no. 1, pp. 1-25, viewed 22 February 2015, DOI 10.1215/15314200-2348893, (EBSCOhost).

Stanley, T, Plessis, RD & Austrin, T 2011, 'Making networks work: social work action and children 'at risk'', *Qualitative Social Work*, vol. 10, no. 1, pp. 49-65, viewed 16 November 2016, DOI 10.1177/1473325010379629, (SAGE Premier 2016).

Stern, J 1991, *Making shapely fiction*, W. W. Norton & Company, New York, USA.

Strega, S, Brown, L, Callahan, M, Dominelli, L & Walmsley, C 2009, 'Working with me, working at me: fathers' narratives of child welfare', *Journal of Progressive Human Services*, vol. 20, no. 1, pp. 72-91, viewed 5 April 2014, DOI 10.1080/10428230902871207, (Taylor & Francis Current Content Access).

Strega, S, Fleet, C, Brown, L, Dominelli, L, Callahan, M & Walmsley, C 2008, 'Connecting father absence and mother blame in child welfare policies and practice', *Children and Youth Services*

Review, vol. 30, no. 7, pp. 705-16, viewed 5 April 2014, DOI 10.1016/j.childyouth.2007.11.012, (Science Direct).

Taylor, P, Moore, P, Pezzullo, L, Tucci, J, Goddard, C & De Bortoli, L 2008, *The cost of child abuse in Australia*, Australian Childhood Foundation and Child Abuse Prevention Research Australia, Melbourne, Australia, viewed 23 September 2014, via <http://www.childhood.org.au/~media/Files/Research/Research%20Cost%20of%20Child%20Abuse%20in%20Australia%202009.ashx>.

The Allen Consulting Group 2009, *Inverting the pyramid: enhancing systems for protecting children*, Australian Research Alliance for Children & Youth (ARACY), Australia, viewed 19 January 2010, via http://www.eccq.com.au/wp-content/uploads/2012/02/inverting-the-pyramid_2009.pdf.

Tilbury, C 2009, 'The over-representation of indigenous children in the Australian child welfare system', *International Journal of Social Welfare*, vol. 18, no. 1, pp. 57-64, viewed 28 March 2015, DOI 10.1111/j.1468-2397.2008.00577.x, (EBSCOhost).

— 2013, 'Child protection proceedings in the Childrens Court in Queensland: therapeutic opportunities lost', *Australian Journal of Family Law*, vol. 27, no. 2, pp. 170-87, viewed 21 October 2014, (EBSCOhost).

Tilbury, C, Osmond, J, Wilson, S & Clark, J 2007, *Good practice in child protection*, Pearson Education Australia, Frenchs Forest, Australia.

Todd, Z & Harrison, SJ 2008, 'Metaphor analysis', in SN Hesse-Biber & P Leavy (eds), *Handbook of Emergent Methods*, The Guilford Press, New York, pp. 479-93.

Tomison, AM 2001, 'A history of child protection', *Family Matters*, no. 60, p. 46, viewed 10 January 2014, (EBSCOhost).

UK Government 2003, *Every Child Matters*, The Stationery Office, London, UK, viewed 1 March 2014, via <https://www.education.gov.uk/publications/eOrderingDownload/CM5860.pdf>.

United Nations Committee on the Rights of the Child 1990, *Convention on the Rights of the Child*, United Nations General Assembly, viewed 21 August 2013, via <http://www.un.org/documents/ga/res/44/a44r025.htm>.

Urek, M 2005, 'Making a case in social work: the construction of an unsuitable mother', *Qualitative Social Work*, vol. 4, no. 4, pp. 451-67, viewed 18 November 2016, DOI 10.1177/1473325005058646, (SAGE Publications).

Varnham, S & Squelch, J 2008, 'Rights, responsibilities and regulation – the three Rs of education: a consideration of the state's control over parental choice in education', *Education and the Law*, vol. 20, no. 3, pp. 193-208, viewed 5 July 2014, DOI 10.1080/09539960902823869, (EBSCOHost).

Vaughan, MK 2012, 'Commentary on part II: labor, professionalization, class formation, and state rule', in AR Lo'pez, LA Ricardo & B Weinstein (eds), *The making of the middle class: toward a transnational history*, Duke University Press, Durham, USA, pp. 223-32.

Vesneski, WM 2012, *Judging parents: courts, child welfare, and criteria for terminating parental rights*, (Doctoral Thesis) University of Washington, viewed 15 May 2015, via https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/22572/Vesneski_washington_0250E_10838.pdf?sequence=1&isAllowed=y.

Walsh, T & Douglas, H 2009, 'Legal responses to child protection, poverty and homelessness', *Journal of Social Welfare and Family Law*, vol. 31, no. 2, pp. 133-46, viewed 21 May 2014, DOI 10.1080/09649060903043513, (Taylor & Francis Current Content Access).

Walter, MM 2010, 'The politics of the data: how the Australian statistical indigene is constructed', *International Journal of Critical Indigenous Studies*, vol. 3, no. 2, pp. 1-12, viewed 26 October 2015, via http://www.isrn.qut.edu.au/publications/internationaljournal/documents/Final_MaggieWalter_IJCIS.pdf.

Wang, CT & Holton, J 2007, *Total estimated cost of child abuse and neglect in the United States*, Prevent Child Abuse America, Chicago, USA, viewed 24 July 2014, via http://www.kidsafevt.org/files/PreventChild%20Abuse%20Economic_impact_study_2007.pdf.

Watkins, SA 1990, 'The Mary Ellen myth: correcting child welfare history', *Social Work*, vol. 35, no. 6, pp. 500-3, viewed 10 January 2014 (ProQuest Central).

Wellesley (Lady) v. Wellesley, 1828, Court of Chancery.

Wellham, M 2004, 'Sister', in The Taronga Foundation Poetry Prize (ed.), *Poems by young Australians: vol. 2*, Random House Australia, Sydney, Australia.

Wells, K 2011, *Narrative Inquiry*, Oxford University Press, viewed 18 May 2014, DOI 10.1093/acprof:oso/9780195385793.003.0001, (Oxford Scholarship Online).

Wells, K 2015, *Childhood in a global perspective*, Wiley, Oxford, viewed 30 December 2015, (EBL).

White, A 2005, *Assessment of parenting capacity: literature review*, Centre for Parenting and Research, Sydney, Australia, viewed 9 June 2013, via http://www.community.nsw.gov.au/docswr/assets/main/documents/research_attachment.pdf.

White, J & Stoneman, L 2012, 'Thinking and doing prevention: a critical analysis of contemporary youth crime and suicide prevention discourses', *Child & Youth Services*, vol. 33, no. 2, pp. 104-26, viewed 1 August 2014, DOI 10.1080/0145935x.2012.704784, (EBSCOhost SocINDEX).

White, M 2002, 'Addressing personal failure', *International Journal of Narrative Therapy & Community Work*, vol. 2002, no. 3, pp. 33-76, viewed 14 July 2013, (Informit).

White, M & Epston, D 1990, *Narrative means to therapeutic ends*, W.W. Norton & Company, New York, USA.

White, S, Hall, C & Peckover, S 2009, 'The descriptive tyranny of the common assessment framework: technologies of categorization and professional practice in child welfare', *British Journal of Social Work*, vol. 39, no. 7, pp. 1197-217, viewed 12 December 2012, DOI 10.1093/bjsw/bcn053, (EBSCOhost SocINDEX).

White, SJB 1997, *Performing social work: an ethnographic study of talk and text in a metropolitan social services*, (Doctoral Thesis) University of Salford, viewed 16 November 2016, via <https://core.ac.uk/download/pdf/1664572.pdf>.

Wilson, K, Ruch, G, Lymbery, M & Cooper, A 2011, *Social work: an introduction to contemporary practice*, Longman, viewed 13 September 2015, (myilibrary).

Wilson, V 2011, 'Research methods: design, methods, case study...oh my!', *Evidence Based Library and Information Practice*, vol. 6, no. 3, pp. 90-1, viewed 21 September 2013, (Directory of Open Access Journals).

Wood, J 2008, *Report of the special committee of inquiry into child protection services in New South Wales. Vol. 1*, State of NSW through the Special Commission of Inquiry into Child Protection Services in NSW, Sydney, Australia, viewed 4 April 2012, via http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0010/33796/Volume_1_-_Special_Commission_of_Inquiry_into_Child_Protection_Services_in_New_South_Wales.pdf.

Woodcock, J 2003, 'The social work assessment of parenting: an exploration', *British Journal of Social Work*, vol. 33, no. 1, pp. 87-106, viewed 21 June 2014, (Oxford University Press Journals).

Wrennall, L 2010, 'Surveillance and child protection: de-mystifying the trojan horse', *Surveillance & Society*, vol. 7, no. 3/4, viewed 21st November, 2010, (EBSCOhost SocINDEX).

Wright, DC 2012, 'Policing sexual morality: Percy Shelley and the expansive scope of the parens patriae in the law of custody of children', *Nineteenth-Century Gender Studies*, vol. 8, no. 2, viewed 10 September 2013, via <https://www.ncgsjournal.com/issue82/wright.htm>.

Yin, RK 2009, *Case study research: design and methods*, 4th edn, Applied social research methods, Sage Publications, Thousand Oaks, USA.

Yoshikawa, T & Forth, S 1985a, 'If You', *The American Poetry Review*, vol. 14, no. 4, p. 10, viewed 24 February 2014, DOI 10.2307/27777710, (JStor).

— 1985b, 'Introduction: four poems from Hiroshima', *The American Poetry Review*, vol. 14, no. 4, pp. 8-9, viewed 24 February 2014, DOI 10.2307/27777706, (JStor).

Young, ME & Richardson, LM 2007, *Early child development from measurement to action: a priority for growth and equity*, World Bank Publications, viewed 19 August 2014, via <https://openknowledge.worldbank.org/bitstream/handle/10986/6837/409250PAPER0Ea1010FFICIAL0USE0ONLY1.pdf?sequence=1>.

Zubrick, S 2015, *The longitudinal study of Australian children: review and revision of the key research questions*, Australian Institute of Family Studies, Melbourne, Australia, viewed 5 December 2015, via <http://www.growingupinaustralia.gov.au/pubs/reports/krq2009/keyresearchquestions.html#mcd>.